

<b>Tab 1</b>	<b>CS/HB 5 by HCA, Grall, Persons-Mulicka (CO-INTRODUCERS) Andrade, Barnaby, Bell, Beltran, Borrero, Brannan, Buchanan, Byrd, DiCeglie, Drake, Fabricio, Fetterhoff, Fine, Giallombardo, Gregory, Harding, Ingoglia, Maggard, Maney, Massullo, McClain, Overdorf, Payne, Plakon, Roach, Robinson, W., Rommel, Roth, Salzman, Shoaf, Sirois, Snyder, Toledo, Yarborough;</b> (Similar to S 00146) Reducing Fetal and Infant Mortality					
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564798	A	S	UNFAV	AP, Stewart	Delete L.225 - 242:	02/22 09:25 AM
482852	A	S	UNFAV	AP, Gibson	btw L.242 - 243:	02/22 09:25 AM
504120	A	S	UNFAV	AP, Book	btw L.242 - 243:	02/22 09:25 AM
142472	A	S L	UNFAV	AP, Pizzo	Before L.45:	02/22 09:25 AM

<b>Tab 2</b>	<b>SB 70 by Rouson (CO-INTRODUCERS) Ausley;</b> (Similar to CS/H 06509) Relief of Donna Catalano by the Department of Agriculture and Consumer Services					
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683242	PCS	S	RCS	AP, AEG		02/22 09:31 AM
859040	A	S	RCS	AP, Rouson	Delete L.88:	02/22 09:31 AM

<b>Tab 3</b>	<b>CS/SB 80 by JU, Baxley;</b> (Similar to CS/CS/H 06515) Relief of Christeia Jones/Department of Highway Safety and Motor Vehicles					
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332448	PCS	S	RCS	AP, ATD		02/22 09:33 AM
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<b>Tab 4</b>	<b>SB 606 by Garcia;</b> (Similar to CS/CS/H 00493) Boating Safety					
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271670	PCS	S	RCS	AP, AEG		02/22 09:36 AM
<del>306914</del>	A	S	WD	AP, Garcia	Delete L.87 - 265:	02/22 09:36 AM
<del>737178</del>	SA	S	WD	AP, Garcia	Delete L.87 - 265:	02/22 09:36 AM
140832	A	S L	RCS	AP, Garcia	Delete L.66 - 265:	02/22 09:36 AM

<b>Tab 5</b>	<b>SB 780 by Hutson;</b> (Identical to H 00631) Airports					
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<b>Tab 6</b>	<b>CS/SB 1374 by HP, Rodriguez;</b> (Identical to CS/H 00931) Clinical Laboratory Testing					
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878184	D	S	RCS	AP, Rodriguez	Delete everything after	02/22 09:38 AM
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<b>Tab 7</b>	<b>SB 1764 by Albritton;</b> (Similar to CS/CS/H 01419) Municipal Solid Waste-to-Energy Program					
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576990	PCS	S	RCS	AP, AEG		02/22 09:41 AM
564838	A	S	RCS	AP, Albritton	Delete L.142:	02/22 09:41 AM

<b>Tab 8</b>	<b>SB 1808 by Bean (CO-INTRODUCERS) Rodrigues;</b> (Identical to H 01355) Immigration Enforcement					
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444482	D	S	RCS	AP, Bean	Delete everything after	02/22 09:45 AM
677652	AA	S	UNFAV	AP, Rouson	Delete L.5 - 28.	02/22 09:45 AM
799844	AA	S	UNFAV	AP, Rouson	Delete L.47 - 99.	02/22 09:45 AM
185122	AA	S	UNFAV	AP, Stewart	In title, after L.129:	02/22 09:45 AM
256174	A	S	OO	AP, Rouson	Delete L.27 - 50.	02/22 09:45 AM
665684	A	S	OO	AP, Rouson	Delete L.69 - 116.	02/22 09:45 AM
413230	T	S	OO	AP, Stewart	In title, after L.23:	02/22 09:45 AM

<b>Tab 9</b>	<b>CS/SB 1892 by HP, Burgess;</b> (Similar to CS/H 01209) Administration of Vaccines					
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<b>Tab 10</b>	<b>SB 7034 by CF;</b> Child Welfare					
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878354	PCS	S	RCS	AP, AHS		02/21 08:32 PM
<del>592114</del>	A	S	WD	AP, Garcia	Delete L.189 - 190:	02/21 08:28 PM
540450	A	S	RCS	AP, Garcia	Delete L.189 - 190:	02/21 08:32 PM

<b>Tab 11</b>	<b>HB 7065</b> by <b>CFS, Altman (CO-INTRODUCERS) Barnaby, Buchanan, Byrd, Casello, Chaney, Fetterhoff, Gregory, Harding, Hart, Hawkins, Hunschofsky, Massullo, McFarland, Morales, Plakon, Rizo, Roth, Sirois, Tomkow, Trabulsy, Valdés;</b> (Compare to S 01708) Child Welfare
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**APPROPRIATIONS**  
**Senator Stargel, Chair**  
**Senator Bean, Vice Chair**

**MEETING DATE:** Monday, February 21, 2022

**TIME:** 1:00—5:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Stargel, Chair; Senator Bean, Vice Chair; Senators Albritton, Baxley, Book, Bracy, Brandes, Broxson, Diaz, Gainer, Gibson, Hooper, Hutson, Mayfield, Passidomo, Perry, Pizzo, Powell, Rouson, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/HB 5</b> Health Care Appropriations Subcommittee / Grall / Persons- Mulicka (Similar S 146)	Reducing Fetal and Infant Mortality; Revises purpose & requirements for Comprehensive Statewide Tobacco Education & Use Prevention Program; requires DOH to contract with local healthy start coalitions for creation of fetal & infant mortality review committees; prohibits physician from performing abortion if gestational age of fetus is determined to be more than specified number of weeks; provides exception; requires directors of certain medical facilities & certain physicians to submit monthly report to AHCA electronically; requires hospitals participate in minimum number of quality improvement initiatives.  AP      02/21/2022 Favorable	Favorable Yeas 13 Nays 6
2	<b>SB 70</b> Rouson (Similar CS/H 6509)	Relief of Donna Catalano by the Department of Agriculture and Consumer Services; Providing for the relief of Donna Catalano by the Department of Agriculture and Consumer Services; providing an appropriation to compensate Donna Catalano for injuries and damages sustained as a result of the negligence of Donald Gerard Burthe, an employee of the Department of Agriculture and Consumer Services; providing a limitation on the payment of compensation and attorney fees, etc.  SM JU      01/24/2022 Favorable AEG    02/16/2022 Fav/CS AP      02/21/2022 Fav/CS	Fav/CS Yeas 19 Nays 0
With subcommittee recommendation - Agriculture, Environment, and General Government			

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations

Monday, February 21, 2022, 1:00—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>CS/SB 80</b> Judiciary / Baxley (Similar CS/CS/H 6515)	Relief of Christeia Jones/Department of Highway Safety and Motor Vehicles; Providing for the relief of Christeia Jones, as guardian of Logan Grant, Denard Maybin, Jr., and Lanard Maybin; providing an appropriation to compensate them for injuries and damages sustained as a result of an automobile accident caused by Trooper Raul Umana, an employee of the Florida Highway Patrol, a division of the Department of Highway Safety and Motor Vehicles; providing a limitation on the payment of compensation and attorney fees, etc.  SM JU 01/24/2022 Fav/CS ATD 02/16/2022 Fav/CS AP 02/21/2022 Fav/CS	Fav/CS Yeas 18 Nays 1
With subcommittee recommendation – Transportation, Tourism, and Economic Development			
<b>A proposed committee substitute</b> for the following bill (SB 606) is available:			
4	<b>SB 606</b> Garcia (Similar CS/CS/H 493)	Boating Safety; Citing this act as the "Boating Safety Act of 2022"; authorizing a court to impose a specified fine for certain boating collisions and accidents; prohibiting liveries, beginning on a specified date, from offering a vessel for lease or rent without a livery permit; revising the conditions under which a livery may not knowingly lease or rent a vessel; increasing fines for violations of certain boating regulations; providing that an improper transfer of vessel title is subject to a civil penalty, etc.  EN 11/30/2021 Favorable AEG 01/26/2022 Fav/CS AP 02/09/2022 Temporarily Postponed AP 02/21/2022 Fav/CS	Fav/CS Yeas 19 Nays 0
With subcommittee recommendation - Agriculture, Environment, and General Government			
5	<b>SB 780</b> Hutson (Identical H 631)	Airports; Revising the types of airports eligible for specified funding of master planning and eligible aviation development projects by the Florida Department of Transportation, etc.  TR 12/01/2021 Favorable ATD 01/26/2022 Favorable AP 02/21/2022 Favorable	Favorable Yeas 19 Nays 0
With subcommittee recommendation – Transportation, Tourism, and Economic Development			



**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations

Monday, February 21, 2022, 1:00—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	<b>CS/SB 1374</b> Health Policy / Rodriguez (Identical CS/H 931)	Clinical Laboratory Testing; Exempting certain registered nurses from clinical laboratory personnel licensure requirements under certain circumstances, etc.  HP 02/02/2022 Fav/CS AP 02/21/2022 Fav/CS RC	Fav/CS Yeas 18 Nays 0
7	<b>SB 1764</b> Albritton (Similar CS/H 1419)	Municipal Solid Waste-to-Energy Program; Creating the Municipal Solid Waste-to-Energy Program within the Department of Agriculture and Consumer Services for a specified purpose; requiring the department, subject to appropriation, to provide financial assistance grants to municipal solid waste-to-energy facilities that meet certain requirements; requiring the department to establish a process to verify the amount of certain electric power purchases; directing the Public Service Commission to provide assistance in verifying grant eligibility, etc.  RI 01/25/2022 Favorable AEG 02/16/2022 Fav/CS AP 02/21/2022 Fav/CS	Fav/CS Yeas 17 Nays 0
With subcommittee recommendation - Agriculture, Environment, and General Government			
8	<b>SB 1808</b> Bean (Identical H 1355)	Immigration Enforcement; Revising the definition of the term "sanctuary policy" to include specified laws, policies, practices, procedures, or customs that limit or prohibit a law enforcement agency from providing specified immigration information to a state entity; requiring each law enforcement agency operating a county detention facility to enter into a specified agreement with the United States Immigration and Customs Enforcement to assist with immigration enforcement; prohibiting a governmental entity from executing, amending, or renewing a contract with common carriers under certain circumstances, etc.  JU 01/24/2022 Favorable AP 02/21/2022 Fav/CS RC	Fav/CS Yeas 12 Nays 6

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations

Monday, February 21, 2022, 1:00—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	<b>CS/SB 1892</b> Health Policy / Burgess (Similar CS/H 1209)	Administration of Vaccines; Specifying training requirements for registered pharmacy technicians seeking to administer certain vaccines; authorizing certified registered pharmacy technicians to administer specified immunizations and vaccines under certain circumstances; revising the specified immunizations and vaccines that certified pharmacists, registered interns, and registered pharmacy technicians may administer; specifying certification requirements for registered pharmacy technicians seeking to administer immunizations and vaccines, etc.  HP 02/10/2022 Fav/CS AP 02/21/2022 Favorable	Favorable Yeas 17 Nays 0
10	<b>SB 7034</b> Children, Families, and Elder Affairs	Child Welfare; Revising payment rates for relative and nonrelative caregivers under the Relative Caregiver Program; revising and specifying room and board rates paid by the Department of Children and Families; revising fee waiver eligibility for students who are or were placed in the custody of a relative or nonrelative to include certain students; creating a tuition and fee exemption for students who enter the custody of the department after a specified age and who are reunited with their parent or parents before reaching a specified age and after spending at least 18 months in out-of-home care, etc.  AHS 02/02/2022 Fav/CS AP 02/09/2022 Temporarily Postponed AP 02/21/2022 Fav/CS	Fav/CS Yeas 18 Nays 0
11	<b>HB 7065, 1st Eng.</b> Children, Families and Seniors Subcommittee / Altman (Compare CS/CS/H 1577, S 1708)	Child Welfare; Requiring the Department of Children and Families and Department of Juvenile Justice to identify and meet the needs of dually-involved children within a specified timeframe; revising information that must be included in a transition plan; requiring prenatal and infant health care delivery programs to include certain father engagement activities; requiring the Department of Children and Families to contract for the development and implementation of the Responsible Fatherhood Initiative and to provide grants to community-based not-for-profit organizations to offer certain mentorship programs; designating the month of June as "Responsible Fatherhood Month", etc.  AP 02/21/2022 Favorable	Favorable Yeas 18 Nays 0

Other Related Meeting Documents

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/HB 5

INTRODUCER: House Health Care Appropriations Subcommittee; and Representatives Grall, Persons-Mulicka, and others

SUBJECT: Reducing Fetal and Infant Mortality

DATE: February 18, 2022

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Looke	Sadberry	AP	<b>Favorable</b>

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**I. Summary:**

CS/HB 5 amends several sections of law with the aim of reducing fetal and infant mortality. The bill adds a requirement to the Comprehensive Statewide Tobacco Education and Use Prevention Program to target information towards pregnant women and women who may become pregnant; requires the Department of Health (DOH) to contract with local Healthy Start coalitions to establish fetal and infant mortality review (FIMR) committees in all regions of the state and appropriates \$1,602,000 in recurring funds from the General Revenue Fund for Fiscal Year 2022-2023 to the DOH for this purpose; and requires all hospitals that provide birthing services to participate in at least two quality initiatives developed in collaboration with the Florida Perinatal Quality Collaborative (FPQC) within the University of South Florida College of Public Health.

The bill also amends several sections of law related to abortions.

The bill prohibits a physician from performing an abortion after the fetus has reached 15 weeks of gestational age and redefines the term “gestation” to measure this time period from the first day of the pregnant woman’s last menstrual period (LMP).<sup>1</sup> The bill applies current law exceptions to the 15-week ban for emergencies and to save the pregnant woman’s life or to prevent a serious risk of substantial and irreversible physical impairment of a major bodily function to the new prohibition. The bill also adds a new exception to the 15-week ban that applies if the fetus has a fatal fetal abnormality<sup>2</sup> and has not reached viability.

Additionally, the bill amends provisions related to reporting abortions to the Agency for Health Care Administration (AHCA). The bill requires the AHCA, the Board of Medicine (BOM), and

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<sup>1</sup> Generally, the first day of the LMP will be about two weeks earlier than the date of conception. See <https://www.betterhealth.vic.gov.au/health/healthyliving/baby-due-date> (last visited Feb. 16, 2022).

<sup>2</sup> “Fatal fetal abnormality” is defined in the bill to mean a terminal condition that, in reasonable medical judgment, regardless of the provision of life-saving medical treatment, is incompatible with life outside the womb and will result in death upon birth or imminently thereafter.

the Board of Osteopathic Medicine (BOOM) to adopt by rule a form for reporting abortions that provides specified information including information that is required to be reported under current law as well as the number of abortions performed and the number of drug regimens dispensed or prescribed for medical abortions.<sup>3</sup> Additionally, the bill specifies that, should a woman provide evidence of human trafficking under a specified exception in current law, human trafficking must be reported as a reason for the abortion.

The bill makes other technical and conforming changes.

The bill provides an effective date of July 1, 2022.

## **II. Present Situation:**

### **Abortion in Florida**

Under Florida law, abortion is defined as the termination of a human pregnancy with an intention other than to produce a live birth or remove a dead fetus.<sup>4</sup> The termination of a pregnancy must be performed by a physician<sup>5</sup> licensed under ch. 458, F.S., or ch. 459, F.S., or a physician practicing medicine or osteopathic medicine in the employment of the United States.<sup>6</sup>

The termination of a pregnancy may not be performed in the third trimester or if a physician determines that the fetus has achieved viability unless there is a medical necessity. Florida law defines the third trimester to mean the weeks of pregnancy after the 24th week and defines viability to mean the state of fetal development when the life of a fetus is sustainable outside the womb through standard medical measures.<sup>7</sup>

Specifically, an abortion may not be lawfully performed in Florida after viability or within the third trimester unless two physicians certify in writing that, in reasonable medical judgment, the termination of the pregnancy is necessary to save the pregnant woman's life or avert a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman, other than a psychological condition. If a second physician is not available, one physician may certify in writing to the medical necessity for legitimate emergency medical procedures for the termination of the pregnancy.<sup>8</sup> Additionally, an abortion may not be performed on a minor under the age of 18 without the consent of the minor's parent or guardian or without the minor obtaining authorization for the abortion from a court.<sup>9, 10</sup>

Sections 390.0111(4) and 390.01112(3), F.S., provide that if a termination of pregnancy is performed during the third trimester or during viability, the physician who performs or induces

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<sup>3</sup> The bill defines "medical abortion" as the administration or use of an abortion-inducing drug to induce an abortion.

<sup>4</sup> Section 390.011(1), F.S.

<sup>5</sup> Section 390.0111(2), F.S.

<sup>6</sup> Section 390.011(9), F.S.

<sup>7</sup> Sections 390.011(11) and (12), F.S.

<sup>8</sup> Sections 390.0111(1) and 390.01112(1), F.S.

<sup>9</sup> Section 390.01114, F.S.

<sup>10</sup> It is of note that the requirement for parental consent, passed by the Florida Legislature in 2020, could potentially contradict the ruling in the controlling case on abortion in Florida, *In re T.W.*, (discussed below). However, as of Jan. 27, 2022, no challenge of the parental consent requirements has been filed.

the termination of pregnancy must use that degree of professional skill, care, and diligence to preserve the life and health of the fetus, which the physician would be required to exercise in order to preserve the life and health of any fetus intended to be born and not aborted. However, the woman's life and health constitute an overriding and superior consideration to the concern for the life and health of the fetus when the concerns are in conflict. A termination of pregnancy after viability in an emergency situation must be performed in a hospital.<sup>11</sup>

Prior to performing an abortion, s. 390.0111(3), F.S., requires a physician to obtain voluntary and informed written consent from the pregnant woman. Except in the case of emergency, consent is considered voluntary and informed only if the physician who is to perform the procedure, or the referring physician, has, at a minimum, orally, while physically present in the same room, and at least 24 hours before the procedure, informed the woman of:

- The nature and risks of undergoing or not undergoing the proposed procedure that a reasonable patient would consider material to making a knowing and willful decision of whether to terminate a pregnancy.
- The probable gestational age of the fetus, verified by an ultrasound, at the time the termination of pregnancy is to be performed.

The person performing the ultrasound is required to offer the woman the opportunity to view the ultrasound, which the woman may decline. If the woman provides, at the time she schedules or arrives for her appointment to obtain an abortion, to the physician a copy of a restraining order, police report, medical record, or other court order or documentation evidencing that she is obtaining the abortion because she is a victim of rape, incest, domestic violence, or human trafficking, the person performing the ultrasound may not offer the opportunity to view the images and the information required to be provided may be provided less than 24 hours prior to performing the abortion.

### **Federal Case Law on Abortion**

In 1973, the U.S. Supreme Court issued the landmark *Roe v. Wade* decision. Using the strict scrutiny standard, the Court determined that a woman's right to terminate a pregnancy is protected by a fundamental right to privacy guaranteed under the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution. Further, the Court reasoned that state regulations limiting the exercise of this right must be justified by a compelling state interest and must be narrowly drawn.<sup>12</sup>

In 1992, the U.S. Supreme Court ruled on the constitutionality of a Pennsylvania statute involving a 24-hour waiting period between the provision of information to a woman and the performance of an abortion. In that decision, *Planned Parenthood of Southeastern Pennsylvania v. Casey*, the Court upheld the statute and relaxed the standard of review in abortion cases involving adult women from "strict scrutiny" to "unduly burdensome." An undue burden exists and makes a statute invalid if the statute's purpose or effect is to place a substantial obstacle in the way of a woman seeking an abortion before the fetus is viable.<sup>13</sup>

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<sup>11</sup> Section 797.03(3), F.S.

<sup>12</sup> *Roe v. Wade*, 410 U.S. 113, 93 S. Ct. 705, 35 L. Ed. 2d 147 (1973).

<sup>13</sup> *Planned Parenthood of Se. Pennsylvania v. Casey*, 505 U.S. 833, 112 S. Ct. 2791, 120 L. Ed. 2d 674 (1992)

The Court held that the undue burden standard is an appropriate means of reconciling a state's interest in human life with the woman's constitutionally protected liberty to decide whether to terminate a pregnancy. The Court determined that, prior to fetal viability, a woman has the right to an abortion without being unduly burdened by government interference. Before viability, a state's interests are not strong enough to support prohibiting an abortion or the imposition of a substantial obstacle to the woman's right to elect the procedure. However, once viability occurs, a state has the power to restrict abortions if the law contains exceptions for pregnancies that endanger a woman's life or health.<sup>14</sup>

### **Potential Updates to Federal Case Law on Abortion**

Two cases are currently working their way through the legal system, each of which has the potential to overrule or modify the standards on abortion that were established in *Roe v. Wade* and *Casey*.

#### ***Jackson Women's Health Org. v. Dobbs***

*Jackson Women's Health Org. v. Dobbs*,<sup>15</sup> is a case challenging Mississippi's Gestational Age Act. The Gestational Age Act<sup>16</sup> prohibited all abortions after 15 weeks of gestational age and was permanently enjoined by the lower courts in 2019. The U.S. Supreme Court held oral arguments on the case for Dec. 1, 2021, and will likely rule on the case sometime in mid-2022.

#### ***Whole Woman's Health v. Jackson***

*Whole Woman's Health v. Jackson*<sup>17</sup> is a case challenging Texas's SB 8 (2021).<sup>18</sup> The Texas law, which is currently in effect, outlaws performing an abortion on an unborn child once a fetal heartbeat has been detected, with an exception for medical emergencies. However, unlike a standard abortion ban, the law specifically prohibits state actors from enforcing its provisions. Instead, the law creates a cause of action for any person, other than an officer or employee of the state or local governmental entity in the state, to sue in civil court over the performance of such an abortion or the aiding and abetting of such an abortion. If the claimant prevails, the law requires that the defendant pay at least \$10,000 per abortion performed or aided and abetted as well as court costs and attorney fees.

The status of the case is complicated, but, after multiple appeals and reviews regarding standing and the ability to seek a pre-enforcement review of the law, the U.S. Supreme Court ruled on December 10, 2021, that the pre-enforcement case may proceed, but the petitioners are only authorized to sue executive branch licensing officials. Currently, the case is in the possession of the Texas 5<sup>th</sup> Circuit Court of Appeals which has certified questions about the licensing-official defendants to the Texas Supreme Court rather than remand the case to the lower court to

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

<sup>15</sup> *Jackson Women's Health Org. v. Currier*, 349 F. Supp. 3d 536 (S.D. Miss. 2018), *aff'd sub nom. Jackson Women's Health Org. v. Dobbs*, 945 F.3d 265 (5th Cir. 2019)

<sup>16</sup> Mississippi HB 1510, available at <http://billstatus.ls.state.ms.us/documents/2018/html/HB/1500-1599/HB1510IN.htm#:~:text=AN%20ACT%20TO%20BE%20KNOWN,SECTION%201>. (last visited Feb. 16, 2022).

<sup>17</sup> *Whole Woman's Health v. Jackson*, 142 S. Ct. 522 (2021)

<sup>18</sup> Available at [Bill Text: TX SB8 | 2021-2022 | 87th Legislature | Enrolled | LegiScan](#) (last visited Feb. 16, 2022).

continue its proceedings. Additionally, the Court of Appeals has refused to issue an injunction preventing the law from taking effect and, as such, the law is currently effective in Texas.

### **Florida Case Law on Abortion**

In 1989, in the case *In re T.W., a Minor*,<sup>19</sup> the Florida Supreme Court upheld a lower court ruling striking the requirement that a minor obtain parental consent prior to obtaining an abortion. This ruling is the controlling case law for abortion law in Florida and is of consequence because, rather than standing the ruling upon the established Federal case law of *Roe v. Wade* and *Planned Parenthood v. Casey*, the Florida Supreme Court determined that:

To be held constitutional, the instant statute must pass muster under both the federal and state constitutions. Were we to examine it solely under the federal Constitution, our analysis necessarily would track the decisions noted above. However, Florida is unusual in that it is one of at least four states having its own express constitutional provision guaranteeing an independent right to privacy,... and we opt to examine the statute first under the Florida Constitution. If it fails here, then no further analysis under federal law is required.

The Court determined that the right to privacy enshrined in Art. I, S. 23 of the Florida Constitution “is clearly implicated in a woman’s decision of whether or not to continue her pregnancy.” Therefore, unlike under the Federal Constitution which requires a state only to show that a restriction on abortion is not “unduly burdensome,” in Florida the state must show that the abortion restriction “furthers a compelling state interest through the least intrusive means.”

The court further determined that “Under our Florida Constitution, the state’s interest becomes compelling upon viability, as defined below. Until this point, the fetus is a highly specialized set of cells that is entirely dependent upon the mother for sustenance. No other member of society can provide this nourishment. The mother and fetus are so inextricably intertwined that their interests can be said to coincide. Upon viability, however, society becomes capable of sustaining the fetus, and its interest in preserving its potential for life thus becomes compelling.”

### **Abortion Data Reporting**

Section 390.0112, F.S., requires the medical director of medical facilities where abortions are performed to submit a monthly report to the Agency for Health Care Administration (AHCA) that must contain information consistent with the United States Standard Report of Induced Termination of Pregnancy adopted by the CDC.<sup>20</sup> If the abortion is performed in a location other

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<sup>19</sup> *In re T.W.*, 551 So. 2d 1186 (Fla. 1989)

<sup>20</sup> The CDC requests the following information from states for the U.S. Standard Report of Induced Termination of Pregnancy: facility name (clinic or hospital); city, town or location; county; hospital or clinic’s patient identification number (used for querying for missing information without identifying the patient); age; marital status; date of termination; residence of patient; ethnicity; race; education attainment; date of last menses; clinical estimate of gestation; previous pregnancy history; previous abortion history; type of abortion procedure; and name of attending physician and name of person completing report. Centers for Disease Control, Handbook on the Reporting of Induced Termination of Pregnancy, [www.cdc.gov/nchs/data/misc/hb\\_itop.pdf](http://www.cdc.gov/nchs/data/misc/hb_itop.pdf) (last visited on Feb. 16, 2022).

than a medical facility, the physician who performed the abortion is responsible for reporting the information to the AHCA.<sup>21</sup>

In 2020, there were 209,645 live births in Florida.<sup>22</sup> In 2021, there were 68,449 abortion procedures performed in the state. Of those:<sup>23</sup>

- 64,345 were performed in the first trimester (12 weeks and under);
- 4,104 were performed in the second trimester (13 to 24 weeks); and
- None were performed in the third trimester (25 weeks and over).

The majority of the procedures (51,047) were elective.<sup>24</sup> The remainder of the abortions were performed due to:<sup>25</sup>

- Emotional or psychological health of the mother (1,340);
- Physical health of the mother that was not life endangering (927);
- Life endangering physical condition (106);
- Rape (97);
- Incest (8);
- Serious fetal genetic defect, deformity, or abnormality (642); and
- Social or economic reasons (14,282).

The AHCA must keep this information in a central location from which statistical data can be drawn and must provide this information to the Center for Disease Control and Prevention (CDC) upon request.<sup>26</sup> The reports are confidential and exempt from public records requirements.<sup>27</sup> The AHCA may impose fines for violations of the reporting requirements.<sup>28</sup> Abortion providers report abortions due to rape or incest but are not currently required to report whether the abortion was due to human trafficking.

## Infant Mortality

Infant mortality is the death of an infant before the first birthday. The infant mortality rate is the number of infant deaths for every 1,000 live births. In addition to giving key information about maternal and infant health, the infant mortality rate is a marker of the overall health of a society. In 2019, the infant mortality rate in the United States was 5.6 deaths per 1,000 live births.<sup>29</sup>

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<sup>21</sup> Section 390.0112(3), F.S.

<sup>22</sup> Total Resident Live Births, Department of Health, available at <https://www.flhealthcharts.gov/ChartsReports/rdPage.aspx?rdReport=Birth.DataViewer&cid=25> (last viewed Jan. 25, 2022).

<sup>23</sup> Reported Induced Terminations of Pregnancy by Reason, by Trimester, Agency for Health Care Administration, available at [https://ahca.myflorida.com/mchq/central\\_services/training\\_support/docs/TrimesterByReason\\_2021.pdf](https://ahca.myflorida.com/mchq/central_services/training_support/docs/TrimesterByReason_2021.pdf) (last viewed Jan. 25, 2022).

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

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

<sup>26</sup> *Id.* The CDC compiles statistics voluntarily reported by the 50 states, the District of Columbia and New York City, related to termination of pregnancies to produce a national data report. *Abortion Surveillance- United States, 2019*, Surveillance Summaries, Centers for Disease Control and Prevention, November 26, 2021 / 70(9);1–29 <https://www.cdc.gov/mmwr/volumes/70/ss/ss7009a1.htm> (last visited on Feb. 16, 2022).

<sup>27</sup> Section 390.0112(3), F.S.

<sup>28</sup> Section 390.0112(4), F.S.

<sup>29</sup> Centers for Disease Control and Prevention, *Infant Mortality*, <https://www.cdc.gov/reproductivehealth/maternalinfanthealth/infantmortality.htm> (last visited Feb. 16, 2022).



### ***Infant Mortality in Florida***

The DOH reports annually on fetal and infant deaths through the Florida Vital Statistics Annual Report.<sup>30</sup> This report provides the number of fetal deaths per 1,000 live births, the number of deaths by race, and compares that data to national figures. Florida ranks 18<sup>th</sup> in the nation in infant mortality with a rate of six deaths per 1,000 live births (1,213 in 2020).<sup>31</sup>

### **Fetal and Infant Mortality Review (FIMR)**

FIMR is a process of community-based fetal and infant mortality reviews aimed at addressing factors and issues that affect infant mortality and morbidity. FIMR committees aim to gain knowledge through the reviews to empower communities to enhance services, influence policy, and direct planning efforts that will ultimately lower infant mortality rates. The process is based on the National FIMR model which supports case review and interventions at the local level.<sup>32, 33</sup>

### ***FIMR Process***

In Florida, a FIMR committee operates in a two-tier structure consisting of a Healthy Start Coalition (Coalition) and a Case Review Team (CRT). The FIMR process begins when infant death cases are selected for review by a committee within a Coalition based on specific criteria, including type of death, residence, and race. Information is abstracted from birth, death, medical, hospital and autopsy records. Efforts are also made to interview the family. No information which identifies the family or medical providers is included on the abstraction form.<sup>34</sup>

Case summaries are developed by the Coalition committee and presented to the CRT, a multidisciplinary group of community medical and social service professionals. This group usually includes a district and local health officer, obstetrician, pediatrician, social worker, nurse-midwife, a hospital and community nurse, coroner or medical examiner, interviewer, abstractor, community outreach worker, mental health counselor, and other people important to the individual reviews. The CRT examines each case to determine medical, social, financial and other issues that may have impacted the poor birth outcome. Recommendations for community action are crafted by the CRT based on review findings. These recommendations are shared with the Community Action Group, a group of volunteers working with at-risk families and other partner agencies<sup>35</sup> in the region to implement and develop street-level outreach activities.<sup>36</sup>

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<sup>30</sup> Florida Vital Statistics Annual Report 2020, <http://www.flpublichealth.com/VSbook/PDF/2020/Fetal.pdf> (last visited Feb. 16, 2022).

<sup>31</sup> *Id.* See also Centers for Disease Control and Prevention, Infant Mortality Rates by State (2019), [https://www.cdc.gov/nchs/pressroom/sosmap/infant\\_mortality\\_rates/infant\\_mortality.htm](https://www.cdc.gov/nchs/pressroom/sosmap/infant_mortality_rates/infant_mortality.htm) (last visited Feb. 16, 2022).

<sup>32</sup> Florida Department of Health. *FIMR*, available at [http://www.doh.state.fl.us/family/mch/FIMR/fimr\\_facts.html](http://www.doh.state.fl.us/family/mch/FIMR/fimr_facts.html) (last visited Feb. 16, 2022).

<sup>33</sup> Currently, 19 Healthy Start Coalition areas do not have FIMRs. For a map of the areas that do and do not have FMIRs see: Presentation on FMIRs by Cathy Timuta, CEO, Florida Association of Health Start Coalitions, Inc., in the Florida House Professions and Public Health Subcommittee, October 13, 2021, p. 5, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3093&Session=2022&DocumentType=Meeting+Packets&FileName=pph+10-13-21.pdf> (last visited Feb. 16, 2022).

<sup>34</sup> *Supra* note 32.

<sup>35</sup> Partner agencies may include health departments, hospitals, medical societies, schools, community and business leaders, and consumers

<sup>36</sup> *Supra*, note 31.

## **Comprehensive Statewide Tobacco Education and Use Prevention**

On November 7, 2006, the voters in the State of Florida adopted Amendment 4, creating the Comprehensive Statewide Tobacco Education and Prevention Program.<sup>37</sup> Pursuant to the amendment, the state is required to create a comprehensive, statewide program consistent with the CDC's 1999 best practices, as periodically amended. The program must consist, at a minimum, of the following components:<sup>38</sup>

- An advertising campaign, funded by at least one-third of the required annual appropriation;
- Evidence-based curricula and programs to educate youth about tobacco and discourage their use of it;
- Programs of local community-based partnerships;
- Enforcement of laws, regulations, and policies against the sale or other provision of tobacco to minors, and the possession of tobacco by minors; and
- Publicly-reported annual evaluations to ensure that moneys appropriated for the program are spent properly.

The Constitution specifies that the Legislature must appropriate 15 percent of the total gross funds that tobacco companies paid to the State of Florida in 2005 under the Tobacco Settlement. This amount must be adjusted annually for inflation using the Consumer Price Index. For State Fiscal Year 2021-22, the mandated appropriation is \$73.9 million.<sup>39</sup>

In 2007, the Legislature created s. 381.84, F.S., the Comprehensive Statewide Tobacco Education and Use Prevention Program (Program), to implement the constitutional amendment. The Program consists of nine components:<sup>40</sup>

- Counter-marketing and advertising;
- Cessation programs, counseling, and treatment;
- Surveillance and education;
- Youth and school programs;
- Community programs and chronic disease prevention;
- Training of health care practitioners, tobacco-use cessation counselors, and teachers;
- Administration and management;
- Enforcement and awareness of related laws; and
- The area health education centers (AHEC) tobacco-use cessation initiative.

## **Florida Perinatal Quality Collaborative (FPQC)**

The FPQC was established in 2010 and is housed in the Chiles Center at the University of South Florida College of Public Health. FPQC aims to improve Florida's maternal and infant health outcomes through evidence-based perinatal care. FPQC partners with stakeholders, such as perinatal-related organizations, individuals, families, health professionals, hospitals, and payers, to develop and implement quality improvement initiatives at partner hospitals that provide

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<sup>37</sup> Art. X, s. 27, Fla. Const.

<sup>38</sup> *Id.*

<sup>39</sup> Fla. General Appropriation Act Fiscal Year 2021-2022, SB 2500 item 458.

<sup>40</sup> Section 381.84(3), F.S.

birthing services (labor and delivery) to address maternal and infant mortality.<sup>41</sup> Hospital participation in FPQC initiatives is voluntary.

Currently, FPQC has four active initiatives:<sup>42</sup>

- **Promoting Primary Vaginal Deliveries (PROVIDE):**<sup>43</sup> The goal of the PROVIDE Initiative is to improve maternal and newborn outcomes by applying evidence-based interventions to promote primary vaginal deliveries at Florida delivery hospitals and ultimately reduce Nulliparous, Term, Singleton, Vertex cesareans.<sup>44</sup> 75 hospitals currently participate in PROVIDE.
- **Family-Centered Care in the NICU (PAIRED):**<sup>45</sup> PAIRED helps hospital neonatal intensive care units (NICU) develop and implement unit-specific strategies to improve how a family engages with the NICU staff to assist in the care of their infant in a way that provides value to the family and to the NICU team. As its centerpiece project, this initiative facilitates **adoption or expansion of safe skin-to-skin care**, which has a growing evidence base for achieving better infant and family outcomes. 16 hospitals currently participate in PAIRED.
- **Perinatal Quality Indicators System (PQI):**<sup>46</sup> The PQI initiative supports hospital quality improvement efforts by providing hospital-specific semi-annual or quarterly reports of perinatal indicators and related reports. PQI is offered to all Florida delivery hospitals at no charge and hospitals can enroll at any time. 56 hospitals currently participate in PQI.
- **Maternal Opioid Recovery Effort (MORE):**<sup>47</sup> MORE works with providers, hospitals, and other stakeholders to improve identification, clinical care, and coordinated treatment and support for pregnant women with opioid use disorder (OUD) and their infants. MORE focuses on standardization related to OUD screening, prevention, treatment, and comprehensive discharge planning. 31 hospitals are currently participating in MORE.

### III. Effect of Proposed Changes:

This bill amends several sections of law in order to reduce fetal and infant mortality.

**Section 1** amends s. 381.84, F.S., to add the requirement that the Comprehensive Statewide Tobacco Education and Use Prevention Program must target information towards pregnant women and women who may become pregnant.

<sup>41</sup> USF Health College of Public Health, *Florida Perinatal Quality Collaborative – About the FPQC*, <https://health.usf.edu/publichealth/chiles/fpqc/about> (last visited Feb. 16, 2022).

<sup>42</sup> USF Health College of Public Health, *Florida Perinatal Quality Collaborative*, <https://health.usf.edu/publichealth/chiles/fpqc> (last visited Feb. 16, 2022).

<sup>43</sup> USF Health College of Public Health, *Florida Perinatal Quality Collaborative – Promoting Vaginal Deliveries*, <https://health.usf.edu/publichealth/chiles/fpqc/provide> (last visited Feb. 16, 2022).

<sup>44</sup> Nulliparous, Term, Singleton, Vertex (NTSV) Cesareans are cesarean births where babies are at or beyond 37.0 weeks gestation to women in their first pregnancy, that are singleton (no twins or beyond) and in the vertex presentation (no breech or transverse positions).

<sup>45</sup> USF Health College of Public Health, *Florida Perinatal Quality Collaborative – PAIRED Initiative*, <https://health.usf.edu/publichealth/chiles/fpqc/paired> (last visited Feb. 16, 2022).

<sup>46</sup> USF Health College of Public Health, *Florida Perinatal Quality Collaborative – Perinatal Quality Indicators System*, <https://health.usf.edu/publichealth/chiles/fpqc/indicators> (last visited Feb. 16, 2022).

<sup>47</sup> USF Health College of Public Health, *Florida Perinatal Quality Collaborative – Maternal Opioid Recovery Effort (MORE)*, <https://health.usf.edu/publichealth/chiles/fpqc/MORE> (last visited Feb. 16, 2022).

**Section 2** creates s. 383.21625, F.S., to require the Department of Health (DOH) to contract with local Healthy Start coalitions for the creation of fetal and infant mortality review (FIMR) committees in all regions of the state. Each FIMR committee is required to:

- Review and analyze rates, trends, causes, and other data related to fetal and infant mortality and morbidity in its geographic area.
- Develop findings and recommendations for interventions and policy changes to reduce fetal and infant mortality and morbidity rates.
- Engage with local communities and stakeholders to implement recommended policies and procedures to reduce fetal and infant mortality and morbidity.

The bill also requires each Healthy Start coalition to report the findings and recommendations developed by its FIMR committee to the DOH annually. The DOH is required to compile the findings and recommendations in an annual report submitted to the Governor and the Legislature beginning October 1, 2023.

The bill gives the DOH rulemaking authority to implement the section and **Section 7** of the bill and appropriates \$1,602,000 in recurring funds from the General Revenue Fund in Fiscal Year 2022-2023 to the DOH to establish the FIMR committees.

**Sections 3, 4, and 5** amend ss. 390.011, 390.0111, and 390.0112, F.S., respectively, to amend provisions related to abortion.

**Section 3** amends s. 390.011, F.S., to:

- Define the term “fatal fetal abnormality” to mean a terminal condition that, in reasonable medical judgment, regardless of the provision of life-saving medical treatment, is incompatible with life outside the womb and will result in death upon birth or imminently thereafter.
- Redefine the term “gestation” to mean the development of a human embryo or fetus as calculated from the first day of the pregnant woman’s last menstrual period (LMP). This differs from the current-law definition of “gestation,” which is the development of a human embryo or fetus between fertilization and birth.
- Define “medical abortion” to mean the administration or use of an abortion-inducing drug to induce an abortion.

**Section 4** amends s. 390.0111, F.S., to prohibit a physician from performing an abortion if the gestational age of the fetus is more than 15 weeks. The bill applies current law exceptions to the 15-week ban for emergencies and to save the pregnant woman’s life or to prevent a serious risk of substantial and irreversible physical impairment of a major bodily function to the new prohibition. The bill also adds a new exception to the 15-week ban that applies if the fetus has a fatal fetal abnormality and has not reached viability.

**Section 5** amends s. 390.0112, F.S., to require that the Agency for Healthcare Administration (AHCA) adopt by rule a form for reporting abortions. The bill requires the form to include:

- Information required to be reported under current law;
- The number of abortions performed; and
- The number of drug regimens dispensed or prescribed for medical abortions.

Additionally, the bill specifies that, if a woman provides evidence of human trafficking under the exceptions provided for obtaining informed consent in s. 390.011(3), F.S., human trafficking must be reported as a reason for the abortion.

**Section 6** creates s. 395.1054, F.S, to require a hospital that provides birthing services to, at all times, participate in at least two quality improvement initiatives developed in collaboration with the Florida Perinatal Quality Collaborative (FPQC) within the University of South Florida College of Public Health.

The bill provides an effective date of July 1, 2022.

#### **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:

This bill's provisions may implicate the privacy rights established by Federal case law, as well as privacy rights established in Art. I, s. 23 of the Florida Constitution. For a discussion on the relevant case law, please see the "Present Situation" section of this analysis.

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

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

**C. Government Sector Impact:**

CS/HB 5 appropriates \$1,602,000 in recurring funds from the General Revenue Fund in Fiscal Year 2022-2023 to the Department of Health, for the purpose of establishing fetal infant mortality review committees as required under the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 381.84, 390.011, 390.0111, and 390.0112.

This bill creates the following sections of the Florida Statutes: 395.1054 and 383.21625.

**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.



564798

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/22/2022	.	
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The Committee on Appropriations (Stewart) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 225 - 242  
and insert:

(a) The physician certifies ~~Two physicians certify~~ in writing that, in reasonable medical judgment, the termination of the pregnancy is necessary to save the pregnant woman's life or avert a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman other than a psychological condition.



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(b) The physician certifies in writing that, in reasonable medical judgment, there is a medical necessity for legitimate emergency medical procedures for termination of the pregnancy to save the pregnant woman's life or avert a serious risk of imminent substantial and irreversible physical impairment of a major bodily function of the pregnant woman other than a psychological condition, ~~and another physician is not available for consultation.~~

(c) The fetus has not achieved viability under s. 390.01112, and the physician certifies in writing that, in reasonable medical judgment, the fetus has a fatal fetal abnormality.

Section 5. Subsection (1) of s. 390.01112, Florida Statutes, is amended to read:

390.01112 Termination of pregnancies during viability.—

(1) A physician may not perform a ~~No~~ termination of pregnancy ~~shall be performed on any human being~~ if the physician determines that, in reasonable medical judgment, the fetus has achieved viability, unless:

(a) The physician certifies ~~Two physicians certify~~ in writing that, in reasonable medical judgment, the termination of the pregnancy is necessary to save the pregnant woman's life or avert a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman other than a psychological condition; or

(b) The physician certifies in writing that, in reasonable medical judgment, there is a medical necessity for legitimate emergency medical procedures for termination of the pregnancy to save the pregnant woman's life or avert a serious risk of





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imminent substantial and irreversible physical impairment of a  
major bodily function of the pregnant woman other than a  
psychological condition, ~~and another physician is not available  
for consultation.~~

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

And the title is amended as follows:

Delete line 25

and insert:

providing and revising exceptions; amending s.

390.01112, F.S.; conforming provisions to changes made

by the act; amending s. 390.0112, F.S.;



482852

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/22/2022	.	
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The Committee on Appropriations (Gibson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 242 and 243  
insert:

(d) The pregnant woman is a minor in the process of  
obtaining a judicial waiver as provided in s. 390.01114.

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

And the title is amended as follows:

Delete line 25



482852

11 and insert:  
12 providing exceptions; amending s. 390.0112, F.S.;



504120

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/22/2022	.	
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The Committee on Appropriations (Book) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 242 and 243  
insert:

(d) The pregnancy is the result of rape, incest, or human trafficking.

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

And the title is amended as follows:

Delete line 25



504120

11 and insert:  
12 providing exceptions; amending s. 390.0112, F.S.;



142472

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/22/2022	.	
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The Committee on Appropriations (Pizzo) recommended the following:

**Senate Amendment (with title amendment)**

Before line 45

insert:

Section 1. Section 381.00515, Florida Statutes, is created to read:

381.00515 Hormonal Long-acting Reversible Contraception Program.—The Hormonal Long-acting Reversible Contraception (HLARC) Program is established within the Department of Health to improve the provision of HLARC services to women statewide



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11 and to reduce the number of abortions.

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

13 (a) "Department" means the Department of Health.

14 (b) "HLARC Program" means the Hormonal Long-Acting  
15 Reversible Contraception Program.

16 (2) The department shall contract with eligible family  
17 planning providers to implement the HLARC Program throughout  
18 this state. A contract to provide HLARC services must provide  
19 for all of the following:

20 (a) The provision of hormonal intrauterine devices and  
21 implants to participants.

22 (b) Training for providers and their staff regarding the  
23 provision of HLARC devices, counseling strategies, and the  
24 management of side effects.

25 (c) Technical assistance regarding issues such as coding,  
26 billing, pharmacy rules, and clinic management associated with  
27 the increased use of HLARC devices.

28 (d) General support to expand the capacity of family  
29 planning providers in response to increased demand for HLARC  
30 services.

31 (e) Marketing and outreach regarding the availability of  
32 HLARC services among other currently available contraceptive  
33 services.

34 (f) Other services the department considers necessary to  
35 ensure the health and safety of participants who receive HLARC  
36 devices.

37 (3) The Legislature shall annually appropriate funds from  
38 the General Revenue Fund to the department to operate the HLARC  
39 Program. Funds appropriated pursuant to this subsection may not



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supplant or reduce any other appropriation of state funds to family planning providers or to the department for family planning services.

(4) The department shall seek grants from federal agencies and other sources to supplement state funds provided for the HLARC Program.

(5) By January 1, 2023, and annually thereafter, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the effectiveness of the HLARC Program. The department shall publish the report on its website. The report must include, but need not be limited to, all of the following for the previous calendar year:

(a) An assessment of the operation of the program, including any progress made in reducing the number of abortions, especially among teenagers.

(b) An assessment of the effectiveness of the program in increasing the availability of HLARC services.

(c) The number and location of family planning providers that participated in the program.

(d) The number of clients served by participating family planning providers.

(e) The number of times HLARC services were provided by participating family providers.

(f) The average cost per client served.

(g) The demographic characteristics of clients served.

(h) The sources and amounts of funding used for the program.

(i) A description of federal and other grants the





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department applied for in order to provide HLARC services,  
including the outcomes of the grant applications.

(j) An analysis of the return on investment for the  
provision of HLARC services with regard to tax dollars saved in  
the provision of health and social services.

(k) A description and analysis of marketing and outreach  
activities conducted to promote the availability of HLARC  
services.

(l) Recommendations for improving the program.

(6) The department may adopt rules to implement this  
section.

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

And the title is amended as follows:

Delete line 3

and insert:

mortality; creating s. 381.00515, F.S.; establishing  
the Hormonal Long-acting Reversible Contraception  
(HLARC) Program within the Department of Health for  
specified purposes; defining terms; requiring the  
department to contract with eligible family planning  
providers to implement the program and provide HLARC  
services throughout this state; providing requirements  
for such contracts; providing for an annual  
appropriation; providing that such appropriations do  
not supplant or reduce certain other appropriations;  
requiring the department to apply for grants for  
additional funding; requiring the department to submit  
an annual report to the Governor and the Legislature



142472

98           by a specified date; requiring the department to  
99           publish the report on its website; providing  
100          requirements for such reports; authorizing the  
101          department to adopt rules; amending s. 381.84, F.S.;  
102          revising the

CS/HB 5

2022

1 A bill to be entitled  
 2 An act relating to reducing fetal and infant  
 3 mortality; amending s. 381.84, F.S.; revising the  
 4 purpose and requirements for the Comprehensive  
 5 Statewide Tobacco Education and Use Prevention  
 6 Program; revising a provision relating to a certain  
 7 report to conform to changes made by the act; creating  
 8 s. 383.21625, F.S.; providing a definition; requiring  
 9 the Department of Health to contract with local  
 10 healthy start coalitions for the creation of fetal and  
 11 infant mortality review committees in all regions of  
 12 the state; providing requirements for such committees;  
 13 requiring local healthy start coalitions to report the  
 14 findings and recommendations developed by the  
 15 committees to the department annually; requiring the  
 16 department to compile such findings and  
 17 recommendations in a report and submit such report to  
 18 the Governor and Legislature by a specified date and  
 19 annually; authorizing the department to adopt rules;  
 20 amending s. 390.011, F.S.; revising and providing  
 21 definitions; amending s. 390.0111, F.S.; prohibiting a  
 22 physician from performing a termination of pregnancy  
 23 if the physician determines the gestational age of a  
 24 fetus is more than a specified number of weeks;  
 25 providing an exception; amending s. 390.0112, F.S.;

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

hb0005-01-c1

CS/HB 5

2022

26 revising a requirement that the directors of certain  
 27 medical facilities submit a monthly report to the  
 28 Agency for Health Care Administration; requiring  
 29 certain physicians to submit such report to the  
 30 agency; requiring the report to be submitted  
 31 electronically on a form adopted by the agency, the  
 32 Board of Medicine, and the Board of Osteopathic  
 33 Medicine; requiring the report to include certain  
 34 additional information; removing obsolete language;  
 35 creating s. 395.1054, F.S.; requiring that certain  
 36 hospitals participate in a minimum number of quality  
 37 improvement initiatives developed in collaboration  
 38 with the Florida Perinatal Quality Collaborative  
 39 within the University of South Florida College of  
 40 Public Health; providing an appropriation; providing  
 41 an effective date.

42  
 43 Be It Enacted by the Legislature of the State of Florida:

44  
 45 Section 1. Subsections (2), (3), and (7) of section  
 46 381.84, Florida Statutes, are amended to read:

47 381.84 Comprehensive Statewide Tobacco Education and Use  
 48 Prevention Program.—

49 (2) PURPOSE, FINDINGS, AND INTENT.—It is the purpose of  
 50 this section to implement s. 27, Art. X of the State

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

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CS/HB 5

2022

51 Constitution. The Legislature finds that s. 27, Art. X of the  
 52 State Constitution requires the funding of a statewide tobacco  
 53 education and use prevention program that focuses on tobacco use  
 54 by youth. The Legislature further finds that the primary goals  
 55 of the program are to reduce the prevalence of tobacco use among  
 56 youth, adults, ~~and pregnant women,~~ and women who may become  
 57 pregnant; reduce per capita tobacco consumption; and reduce  
 58 exposure to environmental tobacco smoke. Further, it is the  
 59 intent of the Legislature to base increases in funding for  
 60 individual components of the program on the results of  
 61 assessments and evaluations. Recognizing that some components  
 62 will need to grow faster than inflation, it is the intent of the  
 63 Legislature to fund portions of the program on a nonrecurring  
 64 basis in the early years so that those components that are most  
 65 effective can be supported as the program matures.

66 (3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department  
 67 shall conduct a comprehensive, statewide tobacco education and  
 68 use prevention program consistent with the recommendations for  
 69 effective program components contained in the 1999 Best  
 70 Practices for Comprehensive Tobacco Control Programs of the CDC,  
 71 as amended by the CDC. The program shall include the following  
 72 components, each of which shall focus on educating people,  
 73 particularly pregnant women, women who may become pregnant, and  
 74 youth and their parents, about the health hazards of tobacco and  
 75 discouraging the use of tobacco:

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

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2022

76 (a) Counter-marketing and advertising; Internet resource  
 77 center.—The counter-marketing and advertising campaign shall  
 78 include, at a minimum, Internet, print, radio, and television  
 79 advertising and shall be funded with a minimum of one-third of  
 80 the total annual appropriation required by s. 27, Art. X of the  
 81 State Constitution.

82 1. The campaign shall include an Internet resource center  
 83 for copyrighted materials and information concerning tobacco  
 84 education and use prevention, including cessation. The Internet  
 85 resource center must be accessible to the public, including  
 86 parents, teachers, and students, at each level of public and  
 87 private schools, universities, and colleges in the state and  
 88 shall provide links to other relevant resources. The Internet  
 89 address for the resource center must be incorporated in all  
 90 advertising. The information maintained in the resource center  
 91 shall be used by the other components of the program.

92 2. The campaign shall use innovative communication  
 93 strategies, such as targeting specific audiences who use  
 94 personal communication devices and frequent social networking  
 95 websites.

96 (b) Cessation programs, counseling, and treatment.—This  
 97 program component shall include two subcomponents:

98 1. A statewide toll-free cessation service, which may  
 99 include counseling, referrals to other local resources and  
 100 support services, and treatment to the extent funds are

Page 4 of 13

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2022

101 available for treatment services; and

102 2. A local community-based program to disseminate  
103 information about tobacco-use cessation, how tobacco-use  
104 cessation relates to prenatal care and obesity prevention, and  
105 other chronic tobacco-related diseases.

106 (c) Surveillance and evaluation.—The program shall conduct  
107 ongoing epidemiological surveillance and shall contract for  
108 annual independent evaluations of the effectiveness of the  
109 various components of the program in meeting the goals as set  
110 forth in subsection (2).

111 (d) Youth school programs.—School and after-school  
112 programs shall use current evidence-based curricula and programs  
113 that involve youth to educate youth about the health hazards of  
114 tobacco, help youth develop skills to refuse tobacco, and  
115 demonstrate to youth how to stop using tobacco.

116 (e) Community programs and chronic disease prevention.—The  
117 department shall promote and support local community-based  
118 partnerships that emphasize programs involving youth, pregnant  
119 women, and women who may become pregnant, including programs for  
120 the prevention, detection, and early intervention of tobacco-  
121 related chronic diseases.

122 (f) Training.—The program shall include the training of  
123 health care practitioners, tobacco-use cessation counselors, and  
124 teachers by health professional students and other tobacco-use  
125 prevention specialists who are trained in preventing tobacco use

Page 5 of 13

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2022

126 and health education. Tobacco-use cessation counselors shall be  
127 trained by specialists who are certified in tobacco-use  
128 cessation.

129 (g) Administration and management, statewide programs, and  
130 county health departments.—The department shall administer the  
131 program within the expenditure limit established in subsection  
132 (8). Each county health department is eligible to receive a  
133 portion of the annual appropriation, on a per capita basis, for  
134 coordinating tobacco education and use prevention programs  
135 within that county. Appropriated funds may be used to improve  
136 the infrastructure of the county health department to implement  
137 the comprehensive, statewide tobacco education and use  
138 prevention program. Each county health department shall  
139 prominently display in all treatment rooms and waiting rooms  
140 counter-marketing and advertisement materials in the form of  
141 wall posters, brochures, television advertising if televisions  
142 are used in the lobby or waiting room, and screensavers and  
143 Internet advertising if computer kiosks are available for use or  
144 viewing by people at the county health department.

145 (h) Enforcement and awareness of related laws.—In  
146 coordination with the Department of Business and Professional  
147 Regulation, the program shall monitor the enforcement of laws,  
148 rules, and policies prohibiting the sale or other provision of  
149 tobacco to minors, as well as the continued enforcement of the  
150 Clean Indoor Air Act prescribed in chapter 386. The

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151 advertisements produced in accordance with paragraph (a) may  
 152 also include information designed to make the public aware of  
 153 these related laws and rules. The departments may enter into  
 154 interagency agreements to carry out this program component.

155 (i) AHEC tobacco-use cessation initiative.—The AHEC  
 156 network may administer the AHEC tobacco-use cessation initiative  
 157 in each county within the state and perform other activities as  
 158 determined by the department.

159 (7) ANNUAL REPORT REQUIRED.—By January 31 of each year,  
 160 the department shall provide to the Governor, the President of  
 161 the Senate, and the Speaker of the House of Representatives a  
 162 report that evaluates the program's effectiveness in reducing  
 163 and preventing tobacco use and that recommends improvements to  
 164 enhance the program's effectiveness. The report must contain, at  
 165 a minimum, an annual survey of youth attitudes and behavior  
 166 toward tobacco, as well as a description of the progress in  
 167 reducing the prevalence of tobacco use among youth, adults, ~~and~~  
 168 pregnant women, and women who may become pregnant; reducing per  
 169 capita tobacco consumption; and reducing exposure to  
 170 environmental tobacco smoke.

171 Section 2. Section 383.21625, Florida Statutes, is created  
 172 to read:

173 383.21625 Fetal and infant mortality review committees.—

174 (1) As used in this section, the term "department" means  
 175 the Department of Health.

Page 7 of 13

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2022

176 (2) The department shall contract with local healthy start  
 177 coalitions for the creation of fetal and infant mortality review  
 178 committees in all regions of the state to improve fetal and  
 179 infant mortality and morbidity in each region. Each committee  
 180 shall:

181 (a) Review and analyze rates, trends, causes, and other  
 182 data related to fetal and infant mortality and morbidity in a  
 183 geographic area.

184 (b) Develop findings and recommendations for interventions  
 185 and policy changes to reduce fetal and infant mortality and  
 186 morbidity rates.

187 (c) Engage with local communities and stakeholders to  
 188 implement recommended policies and procedures to reduce fetal  
 189 and infant mortality and morbidity.

190 (3) Each local healthy start coalition shall report the  
 191 findings and recommendations developed by each fetal and infant  
 192 mortality review committee to the department annually. Beginning  
 193 October 1, 2023, the department shall compile such findings and  
 194 recommendations in an annual report, which must be submitted to  
 195 the Governor, the President of the Senate, and the Speaker of  
 196 the House of Representatives.

197 (4) The department may adopt rules necessary to implement  
 198 this section.

199 Section 3. Subsections (6) and (7) of section 390.011,  
 200 Florida Statutes, are renumbered as subsections (7) and (8),

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2022

201 respectively, present subsections (8) through (13) are  
 202 renumbered as subsections (10) through (15), respectively,  
 203 present subsection (6) is amended, and new subsections (6) and  
 204 (9) are added to that section, to read:

205 390.011 Definitions.—As used in this chapter, the term:

206 (6) "Fatal fetal abnormality" means a terminal condition  
 207 that, in reasonable medical judgment, regardless of the  
 208 provision of life-saving medical treatment, is incompatible with  
 209 life outside the womb and will result in death upon birth or  
 210 imminently thereafter.

211 ~~(7)(6)~~ "Gestation" means the development of a human embryo  
 212 or fetus as calculated from the first day of the pregnant  
 213 woman's last menstrual period between fertilization and birth.

214 (9) "Medical abortion" means the administration or use of  
 215 an abortion-inducing drug to induce an abortion.

216 Section 4. Subsection (1) of section 390.0111, Florida  
 217 Statutes, is amended to read:

218 390.0111 Termination of pregnancies.—

219 (1) TERMINATION AFTER GESTATIONAL AGE OF 15 WEEKS ~~IN THIRD~~  
 220 ~~TRIMESTER; WHEN ALLOWED.—A physician may not perform a~~ Ne  
 221 termination of pregnancy if the physician determines the  
 222 gestational age of the fetus is more than 15 weeks ~~shall be~~  
 223 ~~performed on any human being in the third trimester of pregnancy~~  
 224 unless one of the following conditions is met:

225 (a) Two physicians certify in writing that, in reasonable

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226 medical judgment, the termination of the pregnancy is necessary  
 227 to save the pregnant woman's life or avert a serious risk of  
 228 substantial and irreversible physical impairment of a major  
 229 bodily function of the pregnant woman other than a psychological  
 230 condition.

231 (b) The physician certifies in writing that, in reasonable  
 232 medical judgment, there is a medical necessity for legitimate  
 233 emergency medical procedures for termination of the pregnancy to  
 234 save the pregnant woman's life or avert a serious risk of  
 235 imminent substantial and irreversible physical impairment of a  
 236 major bodily function of the pregnant woman other than a  
 237 psychological condition, and another physician is not available  
 238 for consultation.

239 (c) The fetus has not achieved viability under s.  
 240 390.01112 and two physicians certify in writing that, in  
 241 reasonable medical judgement, the fetus has a fatal fetal  
 242 abnormality.

243 Section 5. Section 390.0112, Florida Statutes, is amended  
 244 to read:

245 390.0112 Termination of pregnancies; reporting.—

246 (1) The director of any medical facility in which  
 247 abortions are performed, including surgical procedures and  
 248 medical abortions, including a physician's office, shall submit  
 249 a report each month to the agency. If the abortion is not  
 250 performed in a medical facility, the physician performing the

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251 abortion shall submit the monthly report. The report ~~must~~ may be  
 252 submitted electronically on a form adopted by the agency, the  
 253 Board of Medicine, and the Board of Osteopathic Medicine which,  
 254 may not include personal identifying information, and must  
 255 include:

256 (a) ~~Until the agency begins collecting data under~~  
 257 ~~paragraph (e),~~ The number of abortions performed.

258 (b) The reasons such abortions were performed. If a woman  
 259 upon whom an abortion is performed has provided evidence that  
 260 she is a victim of human trafficking pursuant to s.  
 261 390.0111(3)(a)1.b.(IV), such reason must be included in the  
 262 information reported under this section.

263 (c) For each abortion, the period of gestation at the time  
 264 the abortion was performed.

265 (d) The number of infants born alive or alive immediately  
 266 after an attempted abortion.

267 (e) ~~Beginning no later than January 1, 2017,~~ Information  
 268 consistent with the United States Standard Report of Induced  
 269 Termination of Pregnancy adopted by the Centers for Disease  
 270 Control and Prevention.

271 (f) The number of medication abortion regimens prescribed  
 272 or dispensed.

273 (2) The agency shall keep such reports in a central  
 274 location for the purpose of compiling and analyzing statistical  
 275 data and shall submit data reported pursuant to paragraph (1) (e)

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276 to the Division of Reproductive Health within the Centers for  
 277 Disease Control and Prevention, as requested by the Centers for  
 278 Disease Control and Prevention.

279 ~~(3) If the termination of pregnancy is not performed in a~~  
 280 ~~medical facility, the physician performing the procedure shall~~  
 281 ~~be responsible for reporting such information as required in~~  
 282 ~~subsection (1).~~

283 (3)(4) Reports submitted pursuant to this section shall be  
 284 confidential and exempt from the provisions of s. 119.07(1) and  
 285 shall not be revealed except upon the order of a court of  
 286 competent jurisdiction in a civil or criminal proceeding.

287 ~~(4)(5)~~ Any person required under this section to file a  
 288 report or keep any records who willfully fails to file such  
 289 report or keep such records may be subject to a \$200 fine for  
 290 each violation. The agency shall be required to impose such  
 291 fines when reports or records required under this section have  
 292 not been timely received. For purposes of this section, timely  
 293 received is defined as 30 days following the preceding month.

294 Section 6. Section 395.1054, Florida Statutes, is created  
 295 to read:

296 395.1054 Birthing quality improvement initiatives.—A  
 297 hospital that provides birthing services shall at all times  
 298 participate in at least two quality improvement initiatives  
 299 developed in collaboration with the Florida Perinatal Quality  
 300 Collaborative within the University of South Florida College of

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2022

301 Public Health.

302       Section 7. For the 2022-2023 fiscal year, the sum of  
303 \$1,602,000 in recurring funds from the General Revenue Fund is  
304 appropriated to the Department of Health for the purpose of  
305 establishing fetal and infant mortality review committees under  
306 s. 383.21625, Florida Statutes.

307       Section 8. This act shall take effect July 1, 2022.

The Florida Senate

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2/21/22

Meeting Date

Senate Appropriations

Committee

504120

Bill Number or Topic

5

Amendment Barcode (if applicable)

Name

Tritney Nguyen

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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The Florida Senate

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2/21/22

Meeting Date

Senate Appropriations

Committee

5

Bill Number or Topic

504120

Amendment Barcode (if applicable)

Name

Jamie Clinton

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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21 211 22

Meeting Date

The Florida Senate  
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5

Bill Number or Topic

504120

Amendment Barcode (if applicable)

Committee

Name

Lauren Schlitt

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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The Florida Senate

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02/21/22

Meeting Date

Appropriations

Committee

HB 5

Bill Number or Topic

504120

Amendment Barcode (if applicable)

Name

Adriana Rivera

Phone

Address

Street

Ocala

FL

34470

City

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FL Immigrant Coalition

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

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2-21-22

Meeting Date

Sen. Approps

Committee

5

Bill Number or Topic

504120

Amendment Barcode (if applicable)

Name

Kinstellus Estanga

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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2-21-22

Meeting Date

Senate Approps

Committee

504120

5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ally Walchak

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)



The Florida Senate  
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HB 5

~~SB 146~~  
Bill Number or Topic

504120

Amendment Barcode (if applicable)

02/21/2022

Meeting Date

Appropriations

Committee

Name Aurelie Colon Larrauri

Phone 9548818595

Address 1951 NW 7th Ave #600

Email aurelie@latinainstitute.org

Street

Miami

City

FL

State

33136

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Latina Institute for  
Reproductive Justice FL

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

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

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2/21/22

Meeting Date

Appropriations

Committee

HB<sup>5</sup> (SB 146)

Bill Number or Topic

504120

Amendment Barcode (if applicable)

Name Aaron G. DiPietro

Phone 904-608-4471

Address 4853 S. Orange Ave.

Street

Email aaron.d@flfamily.org

Orlando

City

FL

State

32806

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Family  
Policy Council

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

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

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2/21/22

Meeting Date

Senate Approps.

Committee

HB 5

Bill Number or Topic

504120

Amendment Barcode (if applicable)

Name Annie Filkowski

Phone (239) 849-2644

Address 2618 W Tennessee St.

Street

Tallahassee

City

FL

State

32304

Zip

Email annie.j.c.filkowski @  
ppsenfl.org

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

The Florida Alliance of  
Planned Parenthood Affiliates

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

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

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S-001 (08/10/2021)

The Florida Senate  
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Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

Florida Rising

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

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S-001 (08/10/2021)

The Florida Senate

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Feb 21, 2022  
Meeting Date

Appropriation  
Committee

HBS  
Bill Number or Topic

504120  
Amendment Barcode (if applicable)

Name Razi Chable Lara Phone \_\_\_\_\_

Address old Dixie Hwy Email Rlara@poderlatino.org  
Street

Apopka FL 32712  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Community Center

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

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S-001 (08/10/2021)

The Florida Senate

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2-21-22

Meeting Date

Appropriations

Committee

H135

Bill Number or Topic

504120

Amendment Barcode (if applicable)

Name Edith Tavera

Phone 407-652-8289

Address 3000 Clarcona Rd 2406

Street

Apopka

City

FL

State

32703

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Community Center

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

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

S-001 (08/10/2021)

02/21/22

Meeting Date

The Florida Senate

# APPEARANCE RECORD

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

AB 5

Bill Number or Topic

504120

Amendment Barcode (if applicable)

AGROP

Committee

Name

ANDREA MONTANEZ

Phone

607 880 6872

Address

800 S HOWARD

Email

Amondoe@LCC-OKTm.org

Street

MIAMI, FL

32822

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

HUPEE

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

2/22/22

Meeting Date

Senate Apropos

Committee

HBS

Bill Number or Topic

504 120

Amendment Barcode (if applicable)

Name

Paula Munoz

Phone

954 980 8111

Address

Street

12207 SW 52nd PL

Email

paula.mun92@gmail.com

City

Cooper City FL

State

Zip

33330

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FLIC

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

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S-001 (08/10/2021)



February 21, 2022

Meeting Date

Appropriations

Committee

The Florida Senate

## APPEARANCE RECORD

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

House Bill 5

Bill Number or Topic

504120

Amendment Barcode (if applicable)

Name **Andrew Shirvell**

Phone **850-404-3414**

Address **P.O. Box 12152**

Email **andrew@floridavoicefortheunborn.com**

Street

**Tallahassee**

**FL**

**32317**

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Voice for the Unborn, Inc.**

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Approps

Committee

HB5

Bill Number or Topic

504120

Amendment Barcode (if applicable)

Name Kathryn Thomson

Phone 941 302 9930

Address 33 6th Street S  
Street

Email kaityt18@gmail.com

st Petersburg FL 33701  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

21 February 2022

Meeting Date

Appropriations

Committee

Name

Bill Snyder

Phone

Address

925 Hiawatha Farms Road

Email

Street

Monticello

FL

32344

City

State

Zip

The Florida Senate

## APPEARANCE RECORD

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

HB 5

Bill Number or Topic

504120

Amendment Barcode (if applicable)

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☒ For

☐ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Aprops

Committee

HB5

Bill Number or Topic

504120

Amendment Barcode (if applicable)

Name Elizabeth Baker

Phone

Address

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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

5-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

02 / 21 / 2022

Meeting Date

HB 5

Bill Number or Topic

Senate Appropriations

Committee

504120

Amendment Barcode (if applicable)

Name Jordan Bryant

Phone \_\_\_\_\_

Address \_\_\_\_\_  
Street

Email \_\_\_\_\_

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

Bill Number or Topic

142472

Amendment Barcode (if applicable)

Meeting Date

2.21.22

Committee

Name

Jish Brown

Phone

Address

Street

1316 Levy Ave.

Email

City

Jacksonville Fl.

State

Zip

32510

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Approps

Committee

5

Bill Number or Topic

142472

Amendment Barcode (if applicable)

Name Lauren Schlitt

Phone 772-643-4039

Address 1352 Ocala Rd Apt A

Email laurenschlitt@gmail.com

Street

Tallahassee

City

FL

State

32304

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

Meeting Date

2-21-22

Committee

Sen. Approps

Bill Number or Topic

5

142472

Amendment Barcode (if applicable)

Name

Kristelly's Estanga

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

Bill Number or Topic

5  
14 2472

Amendment Barcode (if applicable)

Meeting Date

2/21/22

Committee

Approps

Name

Ida V-Eskamani

Phone

Address

134 E. Colonial Dr

Email

Street

Orlando

State

FL

Zip

32801

City

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

Florida Rising

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

FEB 21, 22

Meeting Date

5

Bill Number or Topic

142472

Amendment Barcode (if applicable)

APPROPRIATIONS

Committee

Name

BILL BUNKLEY

Phone

813-264-2977

Address

PO Box 341644

Email

Bill@FERIC.ORG

Street

TAMPA

FL

33694

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

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

FLORIDA ETHICS AND RELIGIOUS LIBERTY COMMISSION

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22  
Meeting Date

Appropriations  
Committee

HB 5 (SB 146)  
Bill Number or Topic

142472  
Amendment Barcode (if applicable)

Name Aaron G. DiPietro Phone 904-608-4471

Address 4853 S. Orange Ave Email aaron.d@flfamily.org  
Street

Orlando FL 32806  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Family Policy  
Council

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

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

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S-001 (08/10/2021)

February 21, 2022

Meeting Date

Appropriations

Committee

The Florida Senate

## APPEARANCE RECORD

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

House Bill 5

Bill Number or Topic

142472

Amendment Barcode (if applicable)

Name **Andrew Shirvell**

Phone **850-404-3414**

Address **P.O. Box 12152**

Email **andrew@floridavoicefortheunborn.com**

Street

**Tallahassee**

**FL**

**32317**

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Voice for the Unborn, Inc.**

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Appropriations

Committee

5

Bill Number or Topic

142472

Amendment Barcode (if applicable)

Name

Christie Arnold

Phone

850-339-0075

Address

201 W. Park Avenue

Street

Email

car Arnold@flscl.org

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing: Florida  
Conference of  
Catholic Bishops

☐

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Sen. Approps

Committee

5

Bill Number or Topic

142472

Amendment Barcode (if applicable)

Name

Kristellys Estanga

Phone

Address

Street

Email

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)



02/21/2022

Meeting Date

Appropriations

Committee

The Florida Senate

## APPEARANCE RECORD

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

HB 5

~~SB 140~~

Bill Number or Topic

564798

Amendment Barcode (if applicable)

Name Aurelie Colon Larrain

Phone 9548818595

Address 1951 NW 7th Ave #600

Email aurelie@latinainstitute.org

Street

Miami

City

FL

State

33136

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:  
Latina Institute for  
Reproductive Justice FL

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

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

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S-001 (08/10/2021)



21 February 2022

Meeting Date

Appropriations

Committee

Name **Bill Snyder**

Phone

Address **925 Hiawatha Farms Road**

Email

Street

**Monticello**

**FL**

**32344**

City

State

Zip

The Florida Senate

## APPEARANCE RECORD

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

HB 5

Bill Number or Topic

**564798**

Amendment Barcode (if applicable)

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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

S-001 (08/10/2021)

February 21, 2022

Meeting Date

Appropriations

Committee

Name **Andrew Shirvell**

Name

The Florida Senate

## APPEARANCE RECORD

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

House Bill 5

Bill Number or Topic

564798

Amendment Barcode (if applicable)

Phone **850-404-3414**

Phone

Address **P.O. Box 12152**

Address

Street

Email **andrew@floridavoicefortheunborn.com**

Email

**Tallahassee**

City

**FL**

State

**32317**

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Voice for the Unborn, Inc.**

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Approps.

Committee

HB 5

Bill Number or Topic

564798

Amendment Barcode (if applicable)

Name Annie Filkowski

Phone (239) 849-2644

Address 2618 W Tennessee St.  
Street

Email annieae.filkowski@ppsentfl.org

Tallahassee  
City

FL  
State

32304  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:  
The Florida Alliance of  
Planned Parenthood Affiliates

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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2/21/22

Meeting Date

Senate Approps.

Committee

HB 5

Bill Number or Topic

564798

Amendment Barcode (if applicable)

Name Kathryn Thomson

Phone 941 302 9930

Address 33 6<sup>th</sup> Street S  
Street

Email kaityt18@gmail.com

St Petersburg FL  
City State

33701  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2/21/22  
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Approps  
Committee

5  
Bill Number or Topic  
564798  
Amendment Barcode (if applicable)

Name Ida V. Eskamani Phone \_\_\_\_\_

Address 134 E Colonial Dr Email \_\_\_\_\_  
Street

Orlando FL 32801  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Rising

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

02/21/22

Meeting Date

Appropriations

Committee

HB 5

Bill Number or Topic

564798

Amendment Barcode (if applicable)

Name

Adriana Rivera

Phone

Address

Street

Ocala FL

City

State

34470

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking:



In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:



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

FL Immigrant Coalition

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

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S-001 (08/10/2021)

02/1/22

Meeting Date

ADDP

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

HB 5

Bill Number or Topic

564797

Amendment Barcode (if applicable)

Name

ANDREA MONTALEZ

Phone

407 7617435

Address

800.S Hawthorne

Email

A.montalez@flsenate.gov

Street

Alaska FL 32705

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

HOPE G

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Aprpros

Committee

HB 5

Bill Number or Topic

564 798

Amendment Barcode (if applicable)

Name

Paula Munoz

Phone

954 980 6411

Address

12207 SW 52nd PL

Street

Email

paula.mun92@gmail.com

Cooper City

City

FL

State

33330

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FLIC

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

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S-001 (08/10/2021)



The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
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Feb. 21, 2022  
Meeting Date  
Appropriations  
Committee

HB5  
Bill Number or Topic  
564798  
Amendment Barcode (if applicable)

Name Razi Chable - Lara Phone \_\_\_\_\_

Address Old dixie Hwy Email Rlara@Poderlatinx.org  
Street

Apopka FL 32712  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

HCC

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

HBS

Bill Number or Topic

564 798

Amendment Barcode (if applicable)

2-21-22

Meeting Date

Appropriations

Committee

Name Edith Tavera

Phone 407-652-8289

Address 3000 Clarcona Rd 2406

Email

Street

Apopka FL 32703

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Comm Unity Center

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Sen. Approps

Committee

5

Bill Number or Topic

564798

Amendment Barcode (if applicable)

Name

Kristellys Estanga

Phone

954 8049010

Address

406 W 24th Ave

Email

Kristellys@gmail.com

Street

Tallahassee FL

32303

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

2/21/22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

5

Bill Number or Topic

564798

Amendment Barcode (if applicable)

Committee

Name

Lauren Schlitt

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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2/21/22

Committee

Senate Appropriations

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

Bill Number or Topic

5

564798

Amendment Barcode (if applicable)

Name

Jamie Clinton

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

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2-21-22

Meeting Date

Senate Approps

Committee

5

Bill Number or Topic

564798

Amendment Barcode (if applicable)

Name Ally Walchak

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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2/21/22

Meeting Date

Senate Appropriations

Committee

HB5

Bill Number or Topic

564798

Amendment Barcode (if applicable)

Name Elizabeth Baker

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

02/22/2022

Meeting Date

Senate Appropriations

Committee

H130

Bill Number or Topic

564798

Amendment Barcode (if applicable)

Name Jordan Bryane

Phone \_\_\_\_\_

Address \_\_\_\_\_

Street

Email \_\_\_\_\_

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

02/21/22

Meeting Date

ANOP

Committee

HB 5

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Name

ANDREA MONTAÑE

Phone

407 880 4022

Address

800 S. HUNTRESS DR.

Email

Amontanea@hcc-official.org

Street

APPOKA

FL

32822

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

HOPE CC.

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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Senate professional staff conducting the meeting

Feb. 21, 2022  
Meeting Date

Appropriations  
Committee

HBS

Bill Number or Topic

452552

Amendment Barcode (if applicable)

Name Ruzi, Chable Lara Phone \_\_\_\_\_

Address Old Dixie Hwy Email Alara@poderlatino.org  
Street

Apopka FL 32712  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Community Center

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

HB5

Bill Number or Topic

Senate Apropos

Committee

482852

Amendment Barcode (if applicable)

Name

Paula Munoz

Phone

954 980 6411

Address

12207 SW 52nd PL

Street

Email

paula.mun92@gmail.com

Cooper City FL

City

State

33330

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FLIC

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Appropriations

Committee

ABS

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Name

Edith Tavera

Phone

407. 652 8289

Address

3000 Clarcona Rd 2406

Email

Street

Apopka

City

FL

State

32703

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

Hope Community Center

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

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S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Sam. APPROP.

Committee

5

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Name Kristellys Estanga

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

HB 5

~~SB 140~~

Bill Number or Topic

482852

Amendment Barcode (if applicable)

02/21/2022

Meeting Date

Appropriations

Committee

Name Aurelle Colon Larrain

Phone 954 881 8595

Address 1951 NW 7<sup>th</sup> Ave #600

Street

Email aurelle@latinainstitute.org

Miami

City

FL

State

33136

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:  
Latina Institute for  
Reproductive Justice FL

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

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

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

S-001 (08/10/2021)

21 February 2022

Meeting Date

Appropriations

Committee

Name **Bill Snyder**

Address **925 Hiawatha Farms Road**

Street

**Monticello**

City

**FL**

State

**32344**

Zip

The Florida Senate

## APPEARANCE RECORD

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

HB 5

Bill Number or Topic

**482852**

Amendment Barcode (if applicable)

Phone

Email

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

February 21, 2022

Meeting Date

Appropriations

Committee

The Florida Senate

## APPEARANCE RECORD

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

House Bill 5

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Name **Andrew Shirvell**

Phone **850-404-3414**

Address **P.O. Box 12152**

Email **andrew@floridavoicefortheunborn.com**

Street

**Tallahassee**

**FL**

**32317**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Voice for the Unborn, Inc.**

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Approps.

Committee

HB 5

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Name

Annie Filkowski

Phone

(239) 849-2644

Address

2618 W Tennessee St.

Street

Tallahassee

City

FL

State

32304

Zip

Email

anniejar.filkowski@  
psen.fl.org

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:



In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

The Florida Alliance of  
Planned Parenthood Affiliates

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to

Senate professional staff conducting the meeting

2/21/22

Meeting Date

Senate Approps

Committee

HB5

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Name

Kathryn Thomson

Phone

941 302 9930

Address

336th Street S

Street

Email

kaityt18@gmail.com

St Petersburg

City

FL

State

33701

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without compensation or sponsorship.

☐

I am a registered lobbyist, representing:

☐

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

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

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

S-001 (08/10/2021)

2/21/22

Meeting Date

Approps

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

5

Bill Number or Topic

48 2852

Amendment Barcode (if applicable)

Name

Ida V. Eskamahi

Phone

Address

134 E Colonial Dr

Email

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

Florida Rising

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/2022  
Meeting Date

HBS

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Approp.  
Committee

Name Jharelly Mendez-Zamora

Phone

Address 1511 SW 9th Ave  
Street

Email

Pembroke Pines FL

33025  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

FLIC

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

02/21/22

Meeting Date

Appropriations

Committee

HBS

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Name

Adriana Rivera

Phone

Address

Street

Ocala

FL

34470

City

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:



In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FL Immigrant Coalition

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

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5-001 (08/10/2021)



2/21/22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

5

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Committee

Name

Lauren Schlitt

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Appropriations

Committee

5

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Name

Tritney Nguyen

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Senate Approps

Committee

5

Bill Number or Topic

782852

Amendment Barcode (if applicable)

Name

Ally Walchuk

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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

S-001 (08/10/2021)

2/21/22

Meeting Date

Senate Appropriation

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

5

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Name

Jamie Clinton

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Props

Committee

HB 5

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Name

Elizabeth Baker

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

02/21/2022

Meeting Date

Senate Affairs

Committee

HB 5

Bill Number or Topic

942852

Amendment Barcode (if applicable)

Name Jordan Bryant

Phone \_\_\_\_\_

Address \_\_\_\_\_  
Street

Email \_\_\_\_\_

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

02/21/2022

Meeting Date

senate affairs

Committee

H 35

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jordan Bryant

Phone \_\_\_\_\_

Address \_\_\_\_\_  
Street

Email \_\_\_\_\_

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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5-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Appropriations

Committee

HB 5

Bill Number or Topic

Amendment Barcode (if applicable)

Name Elizabeth Baker

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Appropriations

Committee

HB 5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Tritney Nguyen

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

CS-1185

Bill Number or Topic

Amendment Barcode (if applicable)

2/21/22  
Meeting Date

Senate Appop.  
Committee

Name Neheta Nesmith

Phone

Address  
Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

CS-HB5

2/21/22

Meeting Date

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

Bill Number or Topic

SENATE APPROP

Committee

Amendment Barcode (if applicable)

Name JUSTIN SEALY

Phone

Address

Street

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/21/22

Meeting Date

HB5

Bill Number or Topic

Senate Appropriations

Committee

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

Amendment Barcode (if applicable)

Name Jamie Clinton

Phone \_\_\_\_\_

Address \_\_\_\_\_  
Street

Email \_\_\_\_\_

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

H.B. 5

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name

VAN SULLIVAN

Phone

321-262-7429

Address

815 Lk Como Dr

Email

Vans100@msn.com

Street

Lk Mary

FL

32746

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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

S-001 (08/10/2021)

2/21/2022

Meeting Date

Appropriations

Committee

The Florida Senate

## APPEARANCE RECORD

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

HB 5

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Andrea Frial, MD**

Phone **904-309-6265**

Address **6816 Southpoint Parkway, Suite 1000** Email **acogadvocate2022@gmail.com**

Street

**Jacksonville**

City

**FL**

State

**32216**

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

FEB 21, 2022

Meeting Date

APPROPRIATIONS

Committee

5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

BILL BUNKLEY

Phone

813-264-2977

Address

PO BOX 341644

Email

BILL@FERLC.ORG

Street

TAMPA

FL

33694

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

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

FLORIDA ETHICS AND RELIGIOUS LIBERTY COMMISSION

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Appropriations

Committee

HB 5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kathe Gentile

Phone

239-851-8558

Address

PO Box 512002

Email

Kathegentile@gmail.com

Street

Punta Gorda Fl

33951

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

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**APPEARANCE RECORD**

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

2/21/22

Meeting Date

HB 5

Bill Number or Topic

Senate Approps

Committee

Amendment Barcode (if applicable)

Name Annie Filkowski

Phone (239) 849-2644

Address 2618 W Tennessee St.

Street

Email anniejac.filkowski@ppsenr1.org

Tallahassee

City

FL

State

32304

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

The FL Alliance of Planned  
Parenthood Affiliates

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/2022

Meeting Date

Appropriations

Committee

CS/HB 5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

850-321-9386

Address

579 E. Cell St.

Email

fcsep@yahoo.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

FI Center for Fiscal +  
Economic Policy

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Appropriations

Committee

CS/HB5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Barbara Deane

Phone

850-251-4280

Address

1025 E. Brevard St

Email

barbadeane1@

Street

Tallahassee

City

State

FL

Zip

32308

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

FL National Organization  
for Women

☐

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2/21/2022  
Meeting Date

Approps.  
Committee

HB 5  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Therrell Mendez-Gamara Phone \_\_\_\_\_

Address 151124 9th Ave Email \_\_\_\_\_  
Street

Pembroke Park FL 33025  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

FLIC.

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

02/21/22

Meeting Date

Appropriations

Committee

HB 5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Adriana Rivera

Phone

Address

Street

Ocala FL

34470

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

FL Immigrant Coalition

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

02/21/22

Meeting Date

ABO

Committee

HB 5

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

ANDREA MONTANEZ

Phone

407 880 4697

Address

800 S HOWARD

Email

Amontanez@hcc-offm.org

Street

APOLKA

FL

32822

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

HCC

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Appropriations

Committee

HB5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Edith Tavera

Phone

407-652-8289

Address

3000 Clarcona Rd 2406

Street

Email

Apopka

City

FL

State

32703

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

Hope Community Center

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

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S-001 (08/10/2021)



The Florida Senate

# APPEARANCE RECORD

Feb. 21, 2022  
Meeting Date

Appropriations  
Committee

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

H1B5  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Razi Chabie Lara Phone \_\_\_\_\_

Address Old Dixie Hwy Email rlara@poderlatinx.org  
Street

Apopka FL 32712  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

HCC

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

2/21/22

Meeting Date

Senate Appropriations

Committee

H05

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Paula Munoz

Phone

954 980 6411

Address

12207 SW 52nd PL

Street

Email

paula.munoz92@gmail.com

Cooper City

City

FL

State

33330

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FLIC

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

H/B5

2/21/22

Meeting Date

Senate Appropriations

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Melanie Andrade Williams

Phone

850-999-9059

Address

2618 W Tennessee St

Email

melaniewilliams.mnw@gmail

Street

Tallahassee FL 32304

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Alliance of  
Planned Parenthood  
Affiliates

☐

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

Bill Number or Topic

Amendment Barcode (if applicable)

2-21-22  
Meeting Date  
Senate Approps  
Committee

Name Kristellys Estanya Phone 954 804 9010  
Address 406 W 8th Ave Email Kristellys@gmail.com  
Tallahassee FL 32303  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

2-21-22

Meeting Date

Senate appropriations

Committee

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

Bill Number or Topic

564798

Amendment Barcode (if applicable)

Name Hana Tabbaa

Phone \_\_\_\_\_

Address \_\_\_\_\_

Street

Email \_\_\_\_\_

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2-21-22

Meeting Date

Senate appropriations

Committee

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

Bill Number or Topic

482852

Amendment Barcode (if applicable)

Name

Hana Tabbaa

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2-21-22

Meeting Date

Senate appropriations

Committee

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

Bill Number or Topic

504120

Amendment Barcode (if applicable)

Name

Hana Tabbaa

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

2/21/22

Meeting Date

HB 5

Bill Number or Topic

S. Approps.

Committee

Amendment Barcode (if applicable)

Name Jon Harris Maurer

Phone (850) 681-0980

Address 201 E. Park Ave., Ste. 200A

Street

Email

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Equality Florida

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

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

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S-001 (08/10/2021)



2.21.22

Meeting Date

Appropriations

Committee

Name **Kara Gross**

Address **4343 West Flagler St**

Street

**Miami**

City

**FL**

State

**33134**

Zip

The Florida Senate  
**APPEARANCE RECORD**

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

HB 5/SB 146

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **786-363-4436**

Email **kgross@aclufl.org**

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

**ACLU of Florida**

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Senate Approps

Committee

HB5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ally Walchak

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

February 21, 2022

Meeting Date

The Florida Senate

## APPEARANCE RECORD

House Bill 5

Bill Number or Topic

Appropriations

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

Committee

Amendment Barcode (if applicable)

Name **Andrew Shirvell**

Phone **850-404-3414**

Address **P.O. Box 12152**

Email **andrew@floridavoicefortheunborn.com**

Street

**Tallahassee**

**FL**

**32317**

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Voice for the Unborn, Inc.**

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

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

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

S-001 (08/10/2021)

21 February 2022

Meeting Date

Appropriations

Committee

Name **Bill Snyder**

Address **925 Hiawatha Farms Road**

Street

**Monticello**

City

**FL**

State

**32344**

Zip

The Florida Senate  
**APPEARANCE RECORD**

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

HB 5

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

Email

Speaking: ☒ For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

5

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name

Christie Arnold

Phone

850-339-0075

Address

201 W. Park Avenue

Email

carnold@flaccb.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

Florida  
Conference of Catholic  
Bishops



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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Appropriations

Committee

HB5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Cecilia Sullivan

Phone

321-262-1122

Address

815 Lake Como Dr

Email

Ceci718@icloud.com

Street,

Lake Mary

FL

32746

City

State

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

21 FEBRUARY 2022

Meeting Date

Appropriations

Committee

HB 5

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Jeremy Cohen

Phone

Address

810 Thomasville Rd #2

Email

Street

Tallahassee FL

32303

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

HB5

SB 140

Bill Number or Topic

02/21/2022

Meeting Date

Appropriations

Committee

Amendment Barcode (if applicable)

Name

Avrelle Colon Larranvi

Phone

954881 8595

Address

1951 NW 7th Ave #600

Email

avrelle@latinainstitute.org

Street

Miami

FL

33136

City

State

Zip

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

Latina Institute for  
Reproductive Justice FL

☐

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

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

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S-001 (08/10/2021)



The Florida Senate

# APPEARANCE RECORD

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

Feb. 21-2022  
Meeting Date

~~SB 146~~ HB5  
Bill Number or Topic

Appropriations  
Committee

Amendment Barcode (if applicable)

Name Amy Bloom Phone 773-742-1753

Address 3331 SW 64th Ave Email amybloom@ngjwmin  
Street  
Miami FL 33155  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Appropriations

Committee

HB 5 (SB 146)

Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron G. DiPietro

Phone 904-608-4471

Address 4853 S Orange Ave

Street

Email aaron@flfamily.org

Orlando

City

FL

State

32806

Zip

Speaking: ☒ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Family  
Policy Council

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

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

2/21/22

Meeting Date

HB5

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name TRISH NEELY

Phone 8503223317

Address 2024 SHANGRI LA LANE

Street

Email

TALLY FL 32363

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

SPEAKING FOR SELF

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

HB5

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name TRISH NEELY

Phone 850 322 3317

Address 2024 SHANGRI LA LANE

Street

Email

TALLY FL 32303

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

LEAGUE WOMEN VOTERS FLORIDA

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

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S-001 (08/10/2021)

2-21-2022

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

HB5.

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Christian Family  
Coalition.  
Anthony Verdugo

Phone

786-447-6431

Address

Street

Miami

FL

City

State

Zip

Email

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

2-21-2022

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

7185

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Pastor Wendy Gallegos

Phone

352-216-5859

Address

5200 SE 145th ST

Email

Street

Summerfield FL 3449

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

2-21-22

Meeting Date

Senate appropriations

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

HB5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Hana Tabbaa

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22 Meeting Date  
SB 146 HB5  
Bill Number or Topic

Appropriations  
Committee

Amendment Barcode (if applicable)

Name Laura Rodriguez Phone 305 335 0606  
Address 8010 Noremac Ave Email lottieatthebeach@  
Miami Beach, FL 33141 gmail.com  
Street City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

3/21/22

Meeting Date

HB5

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name

Kate Tardif

Phone

603-852-9055

Address

9077 Rialto St. #6104

Email

Street

Naples

FL

34113

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Approps

Committee

H135

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kathryn Thomson

Phone

941 302 9930

Address

33 6th Street S

Street

Email

kaityt18  
kaityt18@gmail.com

St Petersburg

City

FL

State

33701

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Appropriations

Committee

HB 5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Devon Graham

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

volunteer @

American Atheists

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Feb 21, 2022

Meeting Date

Appropriations

Committee

HB 5

HB-5 end abortion (ASAP)

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Margaret Joseph

Phone

919 671-8993

Address

421 First Ave

Street

Email

pegyruthjoseph

Lady Lake

City

FL

State

32159

Zip

Speaking:

☒ For

☐ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

2/21/22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

HB5

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Judy Holleran

Phone

323-363-3468

Address

2115 Callaway Dr

Email

JUDY.HOLLERAN@  
GMAIL

Street

The Village

City

State

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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

S-001 (08/10/2021)

2/21/2022

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

~~SB 446~~

HB 5

Bill Number or Topic

**Appropriations**

Committee

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

Amendment Barcode (if applicable)

Name **Cynthia Sheckley**

Phone **4234865573**

Address **2923 Canary Pl.**

Street

Email **cyndysheckley@yahoo.com**

**The Villages**

City

**FL**

State

**32163**

Zip

Speaking: ☒ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

2/21/22

Meeting Date

HB 5

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

DOROTHY BARON

Phone

813-230-4779

Address

4038 UMATILLA WAY

Street

Email

dbaron@karke15a.com  
lotmail.com

THE VILLAGES FL. 32163

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

## PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

HB 5

Meeting Date

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

BRENDA GENTZLER

Phone

717-825-3106

Address

1708 HOMER AVE  
Street

Email

THE VILLAGES  
City

FL  
State

32162  
Zip

Speaking:

☒ For

☐ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

2-21-22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

HB 5

Bill Number or Topic

Committee

Name

Richard Carlins

Phone

724-366-8869

Address

5144 Albert Rd

Email

rickngail2@gmail.com

Street

Fruitland Park FL

State

34731

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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S-001 (08/10/2021)

2/21/22

Meeting Date

Approps

Committee

The Florida Senate  
**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

5

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Phone

Address

134 E. Colonial

Email

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Rising

☐

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/2022  
Meeting Date

Appropriations  
Committee

CS/HB5  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Hillary Cassel Phone 561-202-5713

Address 5430 SW 39th Way  
Street  
Ft. Lauderdale FL 33312  
City State Zip

Email Cassel.hillary@gmail.com

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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S-001 (08/10/2021)

2/21/22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

HB 5

SB 146

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

JASON PHILLIPS

Phone

806-773-0678

Address

Street

Email

jasonjoseph.phillips@gmail.com

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Meeting Date

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
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3-21-22

Meeting Date

5

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name

Karen Jaroché

Phone

813-318-2344

Address

214 Massachusetts Ave NE

Street

Email

Karen-Jaroch@heritageaction.com

Washington DC

City

State

20002

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Heritage Action For America

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2-21-2022

Meeting Date

HB 5

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Les Pro

Phone

352 804-2351

Address

829 NE 12 Ter

Street

Email

LLDUANE

Ocala

City

FL

State

34470

Zip

LLDUANE@Gmail.com

Speaking:

☒ For

☐ Against

☐ Information

☐ Information

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ In Support

☐ Against

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

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5-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

CS/HB3

Bill Number or Topic

2/21/22

Meeting Date

dppropriations

Committee

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

Amendment Barcode (if applicable)

Name

Dora Carrazo

Phone

Address

Street

134 Ecological drive

Email

Orlando

City

FL

State

32801

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

*[Handwritten Signature]*

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/24/22

HB 5

Meeting Date

Bill Number or Topic

Senate Appropriations

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

Committee

Amendment Barcode (if applicable)

Name

Deborah C. Deland

Phone

407 234-6408

Address

6278 Miramonte Dr Unit 104

Email

dcdeland@att.net

Street

Orlando FL

32835

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Feb 21, 2022

Meeting Date

HB 5

Committee

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

HB 5

Bill Number or Topic

Amendment Barcode (if applicable)

Name Monty ESTES

Phone 352-817-0734

Address 3524 NE 70 AVE

Email ESTESCDI@GMAIL.COM

Street

SILVER / SPRINGS FL 34488

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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5-001 (08/10/2021)



859040

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2022	.	
	.	
	.	
	.	

---

The Committee on Appropriations (Rouson) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 88  
and insert:  
exceed \$635,000, the total amount paid for lobbying fees may not  
exceed \$158,750, and the total amount paid for costs or other  
similar expenses may not exceed \$29,059.94.

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

And the title is amended as follows:



859040

11 Delete lines 9 - 31

12 and insert:

13 certain fees, costs, and other expenses; providing an  
14 effective date.

15  
16 WHEREAS, on June 26, 2019, Donald Gerard Burthe, an  
17 employee of the Department of Agriculture and Consumer Services,  
18 while operating a department vehicle during his employment, was  
19 traveling west on U.S. Highway 90, and

20 WHEREAS, Donna Catalano, returning home after completing  
21 her nursing shift at Tallahassee Memorial HealthCare, was  
22 traveling east on U.S. Highway 90, and

23 WHEREAS, Mr. Burthe failed to maintain his lane of travel  
24 and crossed the center line of U.S. Highway 90, resulting in a  
25 head-on collision with Ms. Catalano's vehicle, and

26 WHEREAS, officers cited Mr. Burthe with a violation of s.  
27 316.089, Florida Statutes, for failing to use a designated lane  
28 and failing to drive within a single lane, and

29 WHEREAS, Ms. Catalano was transported to the emergency  
30 department at Tallahassee Memorial HealthCare, suffering from a  
31 left side rib fracture, a left upper arm and forearm open  
32 fracture, a non-displaced fracture of the left leg, an open left  
33 femur distal fracture, distension of the abdomen, tenderness of  
34 the left ribs, and abrasions to the left side of her face, and

35 WHEREAS, during the next four days, Ms. Catalano underwent



683242

576-03097-22

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Agriculture, Environment, and  
General Government)

A bill to be entitled

An act for the relief of Donna Catalano by the  
Department of Agriculture and Consumer Services;  
providing an appropriation to compensate Donna  
Catalano for injuries and damages sustained as a  
result of the negligence of Donald Gerard Burthe, an  
employee of the Department of Agriculture and Consumer  
Services; providing a limitation on the payment of  
compensation and attorney fees; providing an effective  
date.

WHEREAS, on June 26, 2019, Donald Gerard Burthe, an  
employee of the Department of Agriculture and Consumer Services,  
while operating a department vehicle during his employment, was  
traveling west on U.S. Highway 90, and

WHEREAS, Donna Catalano, returning home after completing  
her nursing shift at Tallahassee Memorial HealthCare, was  
traveling east on U.S. Highway 90, and

WHEREAS, Mr. Burthe failed to maintain his lane of travel  
and crossed the center line of U.S. Highway 90, resulting in a  
head-on collision with Ms. Catalano's vehicle, and

WHEREAS, officers cited Mr. Burthe with a violation of s.  
316.089, Florida Statutes, for failing to use a designated lane  
and failing to drive within a single lane, and

WHEREAS, Ms. Catalano was transported to the emergency  
department at Tallahassee Memorial HealthCare, suffering from a



683242

576-03097-22

left side rib fracture, left upper arm and forearm open  
fracture, a non-displaced fracture of the left leg, an open left  
femur distal fracture, distension of the abdomen, tenderness of  
the left ribs, and abrasions to the left side of her face, and

WHEREAS, during the next three days, Ms. Catalano underwent  
six surgeries to repair the various injuries suffered as a  
result of the vehicular accident caused by Mr. Burthe, and

WHEREAS, on July 5, 2019, Ms. Catalano was transferred to  
the Tallahassee Memorial HealthCare Rehabilitation Center by  
ambulance to begin physical therapy for her injuries, staying  
there for approximately 3 months until she was discharged in  
September 2019 to continue physical therapy at home, and

WHEREAS, Ms. Catalano now suffers from chronic pain; mental  
anguish, stress, and anxiety; stiff, aching knees that require  
her to walk with a cane; an inability to straighten or lift her  
right arm; and incontinence, and

WHEREAS, Ms. Catalano can no longer perform traditional  
nursing duties as a result of these injuries, and

WHEREAS, Mr. Burthe, as an employee of the Department of  
Agriculture and Consumer Services, acting within the scope of  
his employment, owed a duty to Ms. Catalano to conduct himself  
in a reasonable manner and exercise reasonable care, but  
breached that duty by driving carelessly, and

WHEREAS, on July 10, 2020, Ms. Catalano filed a lawsuit  
against the Department of Agriculture and Consumer Services to  
recover damages as a result of the negligent conduct of the  
department's employee, Mr. Burthe, and

WHEREAS, on July 15, 2021, the Department of Agriculture  
and Consumer Services and Ms. Catalano reached a settlement



683242

576-03097-22

56 agreement for \$3,375,000, of which \$200,000 was paid by the  
57 Division of Risk Management, and

58 WHEREAS, the Department of Agriculture and Consumer  
59 Services supports Ms. Catalano's efforts to seek the remainder  
60 of the agreed-upon compensation, and

61 WHEREAS, due to the limits of s. 768.28, Florida Statutes,  
62 at the time of the incident, Ms. Catalano has collected only  
63 \$200,000 of her settlement agreement with the Department of  
64 Agriculture and Consumer Services, and the remainder may be  
65 recovered only through a claim bill approved by the Legislature,  
66 NOW, THEREFORE,

67  
68 Be It Enacted by the Legislature of the State of Florida:

69  
70 Section 1. The facts stated in the preamble to this act are  
71 found and declared to be true.

72 Section 2. The sum of \$3,175,000 is appropriated from the  
73 General Inspection Trust Fund to the Department of Agriculture  
74 and Consumer Services for the relief of Donna Catalano for  
75 injuries and damages sustained.

76 Section 3. The Chief Financial Officer is directed to draw  
77 a warrant in favor of Donna Catalano in the sum of \$3,175,000  
78 upon funds of the Department of Agriculture and Consumer  
79 Services in the State Treasury and to pay the same out of such  
80 funds in the State Treasury.

81 Section 4. The amount paid by the Department of Agriculture  
82 and Consumer Services pursuant to s. 768.28, Florida Statutes,  
83 and the amount awarded under this act are intended to provide  
84 the sole compensation for all present and future claims arising



683242

576-03097-22

85 out of the factual situation described in this act which  
86 resulted in injuries and damages to Donna Catalano. The total  
87 amount paid for attorney fees relating to this claim may not  
88 exceed 25 percent of the total amount awarded under this act.  
89 Section 5. This act shall take effect upon becoming a law.



## THE FLORIDA SENATE

### SPECIAL MASTER ON CLAIM BILLS

**Location**  
302 The Capitol

**Mailing Address**  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5237

DATE	COMM	ACTION
1/19/22	SM	Favorable
1/24/22	JU	Favorable
2/15/22	AEG	Recommend: Fav/CS
2/18/22	AP	Fav/CS

February 18, 2022

The Honorable Wilton Simpson  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **SB 70** – Senators Darryl Rouson and Lorraine Ausley  
**HB 6509** – Representative Juan Fernandez-Barquin  
Relief of Donna Catalano

### SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLED CLAIM FOR \$3,175,000, SUPPORTED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (DACS). THE CLAIM SEEKS COMPENSATION FROM THE GENERAL REVENUE FUND TO DACS, TO COMPENSATE CLAIMANT FOR PERSONAL INJURIES AND DAMAGES SUSTAINED IN A MOTOR VEHICLE ACCIDENT RESULTING FROM THE NEGLIGENT OPERATION OF A DACS VEHICLE.

#### FINDINGS OF FACT:

##### **The Accident**

On June 26, 2019, at around 3:20 p.m., Claimant, Donna Catalano's vehicle was struck head-on by a DACS pickup truck that was being operated by Donald Gerard Burthe, a DACS employee, acting within the scope of his employment.

Claimant was driving to her home, in Jefferson County, after she finished her shift as an emergency room nurse at Tallahassee Memorial Hospital.<sup>1</sup> As Claimant drove east on U.S. 90/Mahan Drive, in her blue 2015 Chevrolet Equinox, she approached an area with a curve, where she saw a white

---

<sup>1</sup> Claimant's shift was from 4:00 a.m. - 2:30 p.m.



vehicle drift across the center line and onto her side of the road.

According to the crash report, the weather was clear, it was daylight, and the road surface was dry. The extent of damage to both vehicles was described as disabling and both vehicles were towed. The vehicle that collided with Claimant was listed as owned by "Florida Department of Agricult [sic]," and driven by Donald Gerard Burthe. Both Claimant and the DACS employee are listed as having been wearing shoulder and lap belts. Both vehicles are listed as having had front airbags deploy. Both parties were transported to Tallahassee Memorial.

Prior to the collision, Claimant was traveling at the posted speed limit of 60 miles per hour. Claimant attempted to avert the collision by breaking and turning out of the way. Data downloaded from Claimant's vehicle shows that Claimant reduced her speed from 60 miles per hour down to 43 miles per hour.<sup>2</sup>

The DACS employee was driving above the posted speed limit of 60 miles per hour. Photographs of the DACS vehicle show that the speedometer froze at just under 70 miles per hour. An affidavit by professional engineer, G. Bryant Buchner, states that the speedometer was electrically powered. When the collision occurred, all electrical power in the vehicle was severed. As a result, the speedometer froze at the time of the collision, indicating that the vehicle was travelling above the posted speed limit at impact.

There was a car traveling in front of Claimant and a car traveling behind Claimant. The car in front of Claimant was driven by Jennifer Washington, with her daughter Teriana Robinson as a passenger. The driver, Washington, states in her deposition that she saw the DACS vehicle drifting into her lane and crossing over the yellow line<sup>3</sup> toward her, so she sped up to avoid a collision. Washington witnessed the collision through her rearview mirror and saw the vehicle hit Claimant head-on. The passenger, Robinson, states in her deposition that she saw a white truck going toward

---

<sup>2</sup> The data downloaded from Claimant's vehicle was memorialized in an affidavit by G. Bryant Buchner, a professional engineer, recognized in the state of Florida.

<sup>3</sup> Photos of the crash scene and the diagram below reflect that the yellow line mentioned in Teriana Robinson's deposition was actually a set of two solid yellow lines (Exhibit G).

Tallahassee and coming into their lane of travel, so Washington slightly swerved off of the road to keep the DACS vehicle from hitting them. Robinson states that she also witnessed the DACS truck hitting the blue car behind them, through the rearview mirror, causing both vehicles to flip in opposite directions.

The car behind Claimant was driven by Marian Simmons. She states in her deposition that she saw a white pickup truck with the driver's side wheels over the center line. She slowed down and saw the truck hit Claimant head-on.

The responding Florida Highway Patrol Trooper, N.A. Hagedorn, confirmed in his crash report:

The [DACS vehicle] failed to maintain his lane of travel and crossed the centerline onto the eastbound lane and into the path of [Claimant's vehicle]. [Claimant's vehicle] was unable to react in time to avoid a collision with [the DACS vehicle]. [The DACS vehicle's] front left struck the front left of [Claimant's vehicle]. After the [DACS vehicle] struck [Claimant's vehicle], [the DACS vehicle] began to overturn where it came to rest on the eastbound lanes on its right side, partially on its roof. [Claimant's vehicle] traveled onto the south shoulder where it overturned before coming to rest. [The DACS vehicle] came to final rest between the centerline and eastbound lane of Mahan Drive facing east on its right side, partially on its roof. [Claimant's vehicle] came to final rest facing west on the south shoulder of Mahan Drive.<sup>4</sup>

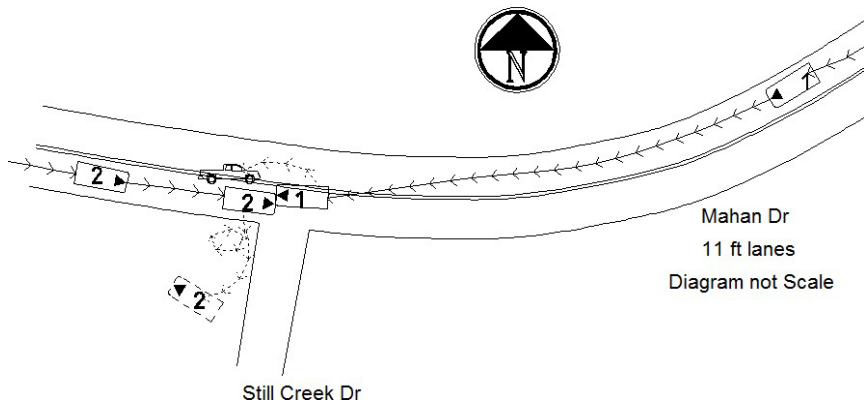
The DACS Employee was cited for violating s. 316.089, F.S., relating to driving on roadways laned for traffic.<sup>5</sup>

### **Crash Report Diagram**

---

<sup>4</sup> Trooper N.A. Hagedorn, Florida Highway Patrol Crash Report (Jun 26, 2019) (Exhibit A).

<sup>5</sup> "A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety." Section 316.089 (1), F.S.



### Damages

The Leon County Emergency Medical Services records show that after the crash Claimant could not exit the vehicle and paramedics had to cut her out. She was placed in a cervical collar awaiting extrication. The windshield was compromised, the A-pillar was pushed back and the driver's door was folded. The steering wheel was against Claimant's chest and the dashboard pinned her legs. All airbags were deployed. The wreckage had to be pried back from Claimant's torso. She was extracted, and placed on a backboard, immobilized and transported to Tallahassee Memorial Hospital.

Claimant underwent multiple surgeries in the days after the collision. X-Rays compared to demonstrative medical illustrations show bone grafts, plates, cables, and screws used to repair fractures in Claimant's left arm and both femurs.

Emergency Center Records from Tallahassee Memorial hospital reflect the following medical injuries:

- acute post hemorrhagic anemia;
- left hand abrasions;
- contusions diffusely across left side of body;
- left distal skin laceration;
- right hemotympanum;
- trace left basilar pneumothorax;
- displaced comminuted fracture of shaft of radius, left arm (surgical repair);
- displaced comminuted fracture of shaft of ulna, left arm (surgical repair);
- displaced comminuted fracture of all the humeral head and neck, left arm (surgical repair);

- placement of external fixator, left femur (surgical repair);
- placement of external fixator, right, femur (surgical repair);
- displaced supracondylar fracture with intracondylar extension of lower end of left femur (surgical repair);
- displaced supracondylar fracture with intracondylar extension of lower end of right femur (surgical repair);
- hypomagnesemia;
- multiple displaced fractures of ribs;
- displaced left L2, L3, L4 transverse process fractures;
- traumatic pneumocephalus.

Claimant spent nine days in Tallahassee Memorial Hospital from her admittance on June 26, 2019, until her discharge on July 5, 2019. The Discharge Summary Final Report shows that Claimant was transferred to inpatient rehabilitation at Tallahassee Memorial Hospital Rehabilitation where she spent 77 days. After, she was transferred to her home and underwent 42 days of outpatient rehabilitation.

### Medical Expenses

A summary of Claimant's past medical expenses, detailing the provider, dates of service, and charges, reflects a total of \$676,935.36 in medical bills resulting from the collision.

A life care plan, prepared for Claimant, based on a life expectancy of 85 years, anticipates her future medical requirements to total \$861,325.<sup>6</sup>

<b>Ms. Catalano's Future Medical Expenses</b>	<b>Amount</b>
Physician Services	\$21,151.82
Routine Diagnostics	\$11,244.62
Medications	\$146,746.40
Laboratory Studies	\$11,265.76
Rehabilitation Services	\$36,678.36
Equipment & Supplies	\$59,044.97
Environmental Modifications & Essential Services	\$52,800.00
Nursing & Attendant Care	\$275,244.48
Acute Care Services	\$247,149.50
<b>TOTAL</b>	<b>\$861,325.91</b>

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<sup>6</sup> The *Life Care Plan* was prepared by Dr. Christopher Leber, a Physical Medicine & Rehabilitation specialist, who has practiced medicine in Florida since 1995. Dr. Leber is a Board Member of the American Academy of Physician Life Care Planners, and a member of the American Academy of Physician Life Care Planners Educational Committee.

### **Lost Wages**

Due to her life altering injuries, Claimant can no longer perform her job as a nurse and was discharged from her employment with Tallahassee Memorial Hospital.

An economic loss report,<sup>7</sup> prepared for Claimant, based on her life expectancy at the time of the accident of 84.74 years, calculate Claimant's loss of earnings and benefits to be \$669,363.<sup>8</sup> Her loss of household production is calculated to be \$211,615.<sup>9</sup>

### **Loss of Enjoyment of Life; and Pain and Suffering**

Before the collision, Claimant was a member of the Tallahassee Memorial Hospital team where she worked as an emergency room nurse. She lived an active lifestyle and enjoyed deep sea fishing, hunting, hiking, fishing, and gardening with her family.

Since the collision, Claimant has pain on a daily basis. She can no longer walk normally. She is limited to standing for about fifteen to twenty minutes before needing to sit. She uses a cane when she walks. She mostly uses a wheelchair at home. Her right arm no longer straightens out and she cannot raise it above her head. As a result, she has cut her hair short since she can no longer brush it herself. She periodically suffers from incontinence and depression.

Claimant can no longer perform basic functions required of a nurse such as kneeling; performing CPR; lifting, pulling and turning patients; or pushing stretchers and wheelchairs. As a result, she cannot serve as a nurse or personally perform such functions for her loved ones when they are in need. During her recovery, Claimant's partner of over 30 years fell ill and had to be put into hospice care. Similarly, Claimant's father was placed into hospice care just days before the special

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<sup>7</sup> The Economic Loss Report was prepared by Benjamin S. Shippen, Ph.D., of Secretariat Economists, who has a Ph.D. in Economics. Mr. Shippen has worked as an economic consultant and expert witness in statistical analysis of employment practices since 2000.

<sup>8</sup> Claimant briefly worked in a temporary OPS position with the State of Florida Department of Health in Leon County from August 12, 2020 to June 30, 2021. This position paid \$25 an hour. The earnings from this position partially mitigated the earnings loss.

<sup>9</sup> The Economic Loss Report estimates that Claimant will be unable to perform 694 hours of household production per year that she would have otherwise performed herself.

master hearing. Claimant otherwise would have performed these functions herself.

#### LITIGATION HISTORY:

##### **Litigation and Settlement**

On July 10, 2020, Claimant filed suit in the Second Judicial Circuit, in and for Leon County. On July 15, 2021, the parties completed mediation in the matter and reached an agreement.

On July 16, 2021, the parties entered into a settlement agreement. DACS agreed to have the Florida Division of Risk Management pay the \$200,000 statutory cap prescribed by section 768.28, Florida Statutes, and to support a claim bill for the excess amount of \$3,175,000.

On August 6, 2021, the Division of Risk Management paid \$200,000 to Claimant's attorney which was disbursed as follows:

- Claimant's attorney's fees: \$50,000 (25 percent);
- Claimant's attorney's fees deferred on the uninsured motorist settlement: \$2,500;<sup>10</sup>
- Costs advanced: \$23,494.50;<sup>11</sup>
- Medical care providers: \$25,488.57;
- Claimant: \$98,516.93.

#### CLAIM BILL HEARING:

On December 8, 2021, a half-day virtual hearing was held before the House and Senate special masters.

Both parties stipulated to all of the exhibits submitted into evidence. It was made clear that both parties fully cooperated throughout the entire matter and responded to all requests for documentation.

##### **Claimant's Case-in-Chief**

Claimant's mother, Loretta Catalano; Claimant's son, Tony Grimes; Claimant's neighbor, Dr. David Greene; and Claimant's former colleague and nurse, Rebecca Berhalter provided live testimony via WebEx.<sup>12</sup> The parties gave

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<sup>10</sup> Reduced from 33.33 percent (\$3,333.33) to 25 percent.

<sup>11</sup> Claimant's Settlement Statement, signed on October 8, 2021, reflects that that the total costs advanced equal \$46,988.99, of which \$23,494.49 are deferred.

<sup>12</sup> All witnesses who provided live testimony at the Special Master Hearing are also included in a documentary produced by Claimant detailing the events and depicting the impact of the collision on Claimant's life (Exhibit Z6).

testimony that spoke to Claimant's life before and after the collision.

Claimant also testified as to the day of the accident, the collision, her quality of life before and after the event, injuries, and recovery.

**Respondent's Case-in-Chief**

DACS did not admit liability but waived its case-in-chief. Therefore, the respondent did not present or contest any evidence, theories, or arguments at the hearing.

Counsel for DACS asked one clarifying question as to whether Claimant was on the phone with her partner at the time of the accident. Claimant admitted she was on the phone and reiterated that she was hands-free and utilizing the OnStar feature on her vehicle.

When questioned as to the whereabouts and condition of the DACS employee who was driving the vehicle, both counsel for Claimant and counsel for DACS explained that Burthe had passed away as a result of the accident. Counsel for DACS could not confirm whether an investigation was conducted. It is unknown what caused the DACS employee to drift out of his lane and into Claimant's lane.

**CONCLUSIONS OF LAW:**

Section 768.28, Florida Statutes, waives sovereign immunity for tort liability for a claim or judgment by one person up to \$200,000. Sums exceeding this amount are payable by the State through further act of the Legislature.

Regardless of any jury verdict or settlement, claim bills are reviewed de novo when assigned to a special master, and each element of negligence must be found within the evidence.

**Negligence**

Florida jury instructions define negligence as "the failure to use reasonable care, which is the care that a reasonably careful person would use under like circumstances,"<sup>13</sup> and "a legal cause of loss, injury or damage if it directly and in natural and continuous sequence produces or contributes

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<sup>13</sup> Florida Civil Jury Instructions, 401.4 – Negligence.

substantially to producing such loss, injury or damage, so that it can reasonably be said that, but for the negligence, the loss, injury or damage would not have occurred.”<sup>14</sup>

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant’s conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages – actual harm.<sup>15</sup>

### **Vicarious Liability**

“An agent is a person who is employed to act for another, and whose actions are controlled by his employer. An employer is responsible for the negligence of its agent if such negligence occurs while the agent is performing services which he was employed to perform.”<sup>16</sup>

Vicarious liability for the acts of the DACS employee is undisputed and admitted by DACS. The vehicle that collided with Claimant was owned and registered to the Florida Department of Agriculture and Consumer Services. The signed and notarized affidavit by Joey Hicks, the Administrator for DACS, admits that at the time of the collision Burthe was employed by DACS, was operating the DACS vehicle with express permission, his actions were controlled by DACS, and that he was in the course and scope of his employment with DACS. Therefore, DACS is vicariously liable for the collision.<sup>17</sup>

### **Duty**

The operator of a motor vehicle has a duty to use reasonable care, in light of the attendant circumstances, to prevent injury to persons within the vehicle's path.<sup>18</sup>

The DACS employee had a statutory duty, under section 316.089, Florida Statutes., to maintain his lane. This duty required the DACS employee to drive the vehicle “as nearly as practicable entirely within a single lane.” The

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<sup>14</sup> Florida Civil Jury Instructions, 401.12(a) - Legal Cause, Generally.

<sup>15</sup> Williams v. Davis, 974 So.2d 1052, at 1056-1057 (Fla. 2007).

<sup>16</sup> Florida Civil Jury Instructions, 401.12(a) - 401.14(b)(1) Vicarious Liability – Agency, Master and Servant.

<sup>17</sup> See Florida Civil Jury Instructions, 401.14(a) - Preliminary Issues — Vicarious Liability - Owner, Lessee, or Bailee of Vehicle Driven by Another.

<sup>18</sup> Gowdy v. Bell, 993 So. 2d 585, 586 (Fla. 1st DCA 2008).



statute further requires that a driver not move from their lane until after they have ascertained that this movement can be made safely.<sup>19</sup>

### **Breach**

As the evidence demonstrates, the DACS employee violated section 316.089, Florida Statutes, and breached the required standard of care when he drifted out of his lane and into Claimant's oncoming lane of travel. With at least three vehicles traveling in the oncoming lane of traffic, it was clearly not safe for the DACS employee to move from his lane of travel.

### **Causation**

Negligence is "a legal cause of loss, injury or damage if it directly and in natural and continuous sequence produces or contributes substantially to producing such loss, injury or damage, so that it can reasonably be said that, but for the negligence, the loss, injury or damage would not have occurred."<sup>20</sup>

The DACS employee's negligence is the legal cause of Claimant's loss, injury, and damages. The collision and Claimant's damages are a reasonably foreseeable result in the sequence of events caused by the head-on collision, at a speed over 60 miles per hour, which was unavoidable even with Claimant's ability to reduce her velocity. A collision was a foreseeable outcome from the risk produced by the DACS employee's failure to maintain his lane; and but for the DACS employee's failure to maintain his lane, the accident would not have occurred.

Comparative negligence was not a defense raised during the special master hearing, nor does the undersigned find any evidence of comparative negligence in the record. Although Claimant was on the phone at the time of the collision, she was hands free and still managed to reduce her speed, which likely minimized the impact of the collision.

### **Damages**

Lost earnings and benefits	\$669,363
Loss of household production	\$211,615
Life care plan value	\$861,325

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<sup>19</sup> Section 316.089(1), F.S.

<sup>20</sup> Florida Civil Jury Instructions, 401.12(a) - Legal Cause, Generally.

Past and present economic losses (not including past medical bills)	\$1,742,203
<b>TOTAL</b>	<b>\$2,623,181</b>

CONCLUSION:

Claimant has demonstrated negligence by the DACS employee and vicarious liability of DACS for the employee's negligence. A reasonably careful driver traveling down a two-lane road would maintain their lane, so as to not drift into the other lane with oncoming traffic. Under these facts, it can reasonably be said that but for the DACS employee drifting out of his lane, the collision would not have occurred, and Claimant would not have experienced the loss, injury, and damages that are detailed in the findings of fact above.

The damages sought in this bill, \$3,175,000, are reasonable given the outcome of the accident and Claimant's pain, suffering, loss of enjoyment of life, medical bills, lost wages, 85 year life expectancy, and future medical needs which are still developing.

ATTORNEY FEES:

Section 768.28(8), Florida Statutes, limits a claimant's attorney fees to 25 percent of any judgment or settlement. Claimant's attorney has agreed to this limit and included related lobbying fees within the limit, as follows:

- Attorney fees: 20 percent (\$635,000); and
- Lobbyist fees: 5 percent (\$158,750).

RECOMMENDATIONS:

Based upon the foregoing, the undersigned recommends that SB 70 be reported FAVORABLY.

Respectfully submitted,

Shirley Sharon  
Senate Special Master

cc: Secretary of the Senate

**CS by Appropriations Committee:**

The committee substitute changes the funding source of the appropriation from the General Revenue Fund to the General Inspection Trust Fund within the Department of Agriculture and Consumer Services.

The committee substitute provides dollar amounts for certain fees, costs, and other expenses, and corrects a one day discrepancy, where four days is supported by evidence submitted into the record.

By Senator Rouson

19-00180A-22

202270\_\_

1 A bill to be entitled  
 2 An act for the relief of Donna Catalano by the  
 3 Department of Agriculture and Consumer Services;  
 4 providing an appropriation to compensate Donna  
 5 Catalano for injuries and damages sustained as a  
 6 result of the negligence of Donald Gerard Burthe, an  
 7 employee of the Department of Agriculture and Consumer  
 8 Services; providing a limitation on the payment of  
 9 compensation and attorney fees; providing an effective  
 10 date.  
 11  
 12 WHEREAS, on June 26, 2019, Donald Gerard Burthe, an  
 13 employee of the Department of Agriculture and Consumer Services,  
 14 while operating a department vehicle during his employment, was  
 15 traveling west on U.S. Highway 90, and  
 16 WHEREAS, Donna Catalano, returning home after completing  
 17 her nursing shift at Tallahassee Memorial HealthCare, was  
 18 traveling east on U.S. Highway 90, and  
 19 WHEREAS, Mr. Burthe failed to maintain his lane of travel  
 20 and crossed the center line of U.S. Highway 90, resulting in a  
 21 head-on collision with Ms. Catalano's vehicle, and  
 22 WHEREAS, officers cited Mr. Burthe with a violation of s.  
 23 316.089, Florida Statutes, for failing to use a designated lane  
 24 and failing to drive within a single lane, and  
 25 WHEREAS, Ms. Catalano was transported to the emergency  
 26 department at Tallahassee Memorial HealthCare, suffering from a  
 27 left side rib fracture, left upper arm and forearm open  
 28 fracture, a non-displaced fracture of the left leg, an open left  
 29 femur distal fracture, distension of the abdomen, tenderness of

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

19-00180A-22

202270\_\_

30 the left ribs, and abrasions to the left side of her face, and  
 31 WHEREAS, during the next three days, Ms. Catalano underwent  
 32 six surgeries to repair the various injuries suffered as a  
 33 result of the vehicular accident caused by Mr. Burthe, and  
 34 WHEREAS, on July 5, 2019, Ms. Catalano was transferred to  
 35 the Tallahassee Memorial HealthCare Rehabilitation Center by  
 36 ambulance to begin physical therapy for her injuries, staying  
 37 there for approximately 3 months until she was discharged in  
 38 September 2019 to continue physical therapy at home, and  
 39 WHEREAS, Ms. Catalano now suffers from chronic pain; mental  
 40 anguish, stress, and anxiety; stiff, aching knees that require  
 41 her to walk with a cane; an inability to straighten or lift her  
 42 right arm; and incontinence, and  
 43 WHEREAS, Ms. Catalano can no longer perform traditional  
 44 nursing duties as a result of these injuries, and  
 45 WHEREAS, Mr. Burthe, as an employee of the Department of  
 46 Agriculture and Consumer Services, acting within the scope of  
 47 his employment, owed a duty to Ms. Catalano to conduct himself  
 48 in a reasonable manner and exercise reasonable care, but  
 49 breached that duty by driving carelessly, and  
 50 WHEREAS, on July 10, 2020, Ms. Catalano filed a lawsuit  
 51 against the Department of Agriculture and Consumer Services to  
 52 recover damages as a result of the negligent conduct of the  
 53 department's employee, Mr. Burthe, and  
 54 WHEREAS, on July 15, 2021, the Department of Agriculture  
 55 and Consumer Services and Ms. Catalano reached a settlement  
 56 agreement for \$3,375,000, of which \$200,000 was paid by the  
 57 Division of Risk Management, and  
 58 WHEREAS, the Department of Agriculture and Consumer

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

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59 Services supports Ms. Catalano's efforts to seek the remainder  
60 of the agreed-upon compensation, and  
61 WHEREAS, due to the limits of s. 768.28, Florida Statutes,  
62 at the time of the incident, Ms. Catalano has collected only  
63 \$200,000 of her settlement agreement with the Department of  
64 Agriculture and Consumer Services, and the remainder may be  
65 recovered only through a claim bill approved by the Legislature,  
66 NOW, THEREFORE,  
67  
68 Be It Enacted by the Legislature of the State of Florida:  
69  
70 Section 1. The facts stated in the preamble to this act are  
71 found and declared to be true.  
72 Section 2. The sum of \$3,175,000 is appropriated from the  
73 General Revenue Fund to the Department of Agriculture and  
74 Consumer Services for the relief of Donna Catalano for injuries  
75 and damages sustained.  
76 Section 3. The Chief Financial Officer is directed to draw  
77 a warrant in favor of Donna Catalano in the sum of \$3,175,000  
78 upon funds of the Department of Agriculture and Consumer  
79 Services in the State Treasury and to pay the same out of such  
80 funds in the State Treasury.  
81 Section 4. The amount paid by the Department of Agriculture  
82 and Consumer Services pursuant to s. 768.28, Florida Statutes,  
83 and the amount awarded under this act are intended to provide  
84 the sole compensation for all present and future claims arising  
85 out of the factual situation described in this act which  
86 resulted in injuries and damages to Donna Catalano. The total  
87 amount paid for attorney fees relating to this claim may not

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88 exceed 25 percent of the total amount awarded under this act.  
89 Section 5. This act shall take effect upon becoming a law.



332448

576-03107-22

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development)

A bill to be entitled

An act for the relief of Christeia Jones, as guardian  
of Logan Grant, Denard Maybin, Jr., and Lanard Maybin;  
providing an appropriation to compensate them for  
injuries and damages sustained as a result of an  
automobile accident caused by Trooper Raul Umana, an  
employee of the Florida Highway Patrol, a division of  
the Department of Highway Safety and Motor Vehicles;  
providing a limitation on the payment of compensation  
and attorney fees; providing an effective date.

WHEREAS, shortly before 9:25 p.m. on May 18, 2014, Florida  
Highway Patrol Trooper Raul Umana attempted to cross through a  
gap in the median onto the southbound lanes of I-75, south of  
Ocala, and

WHEREAS, Trooper Umana misjudged the turn and his vehicle  
struck the concrete barrier before crossing into the southbound  
lane and striking a car driven by Christeia Jones, and

WHEREAS, Ms. Jones was transporting her minor sons, 2-year-  
old Logan Grant, who was secured in a forward-facing infant  
seat, 7-year-old Denard Maybin, Jr., and 5-year-old Lanard  
Maybin, in the backseat of the car, and

WHEREAS, after being struck by Trooper Umana's vehicle, Ms.  
Jones's car was struck in the rear by a tractor trailer, and the  
impact crushed the trunk and rear seating area of the car, and

WHEREAS, the car was propelled off the road, where it



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struck a tree and caught fire, and

WHEREAS, all three children were transported by helicopter  
to the University of Florida Health Shands Hospital in  
Gainesville, and

WHEREAS, at the hospital, Logan Grant was diagnosed with a  
severe traumatic brain injury, extensive facial fractures,  
pulmonary edema, and respiratory failure, and

WHEREAS, Logan Grant remained in the hospital for a month  
before he was discharged to Brooks Rehabilitation Hospital in  
Jacksonville for 2 weeks of brain injury rehabilitation, and

WHEREAS, Logan Grant continues to receive speech therapy  
weekly and struggles with expressive and receptive language, and

WHEREAS, Logan Grant also exhibits left-side body weakness  
and behavioral difficulties, and

WHEREAS, Logan Grant's past medical bills exceed \$310,000,  
and Medicaid has asserted a lien of \$135,161.64, and

WHEREAS, pediatric physical medicine and rehabilitation  
specialist Dr. Paul Kornberg has examined Logan Grant and has  
observed ongoing left hemiparesis with motor, perceptual,  
communicative, cognitive, and behavioral impairments of a  
permanent nature which will prevent him from achieving gainful  
employment, and

WHEREAS, Dr. Kornberg reported that Logan Grant is at a  
high risk for developing seizures in the future, requires  
ongoing bracing of his left ankle to improve gait, is  
anticipated to require a scooter for long-distance mobility by  
the age of 30, is likely to require invasive treatment or  
orthopedic surgery in the form of left heel cord lengthening in  
the future, and is expected to be unable to live alone as an



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adult, necessitating guardianship and attendant care, and

WHEREAS, Dr. Michael Shahnasarian has estimated Logan Grant's future medical and palliative care needs to be \$6,702,555, and his loss of earning capacity over his lifetime to be between \$1,543,014 and \$2,810,754, and

WHEREAS, Lanard Maybin arrived at Shands Hospital with a Glasgow Coma Scale of 7, a head injury, a facial laceration, and a shoulder injury that required surgery, and

WHEREAS, a plastic surgeon repaired Lanard Maybin's facial laceration during his stay in the pediatric intensive care unit before he was discharged from the hospital on May 22, 2014, and

WHEREAS, since the accident, Lanard Maybin has experienced night terrors and changes in behavior and temperament, and has gained significant weight, and

WHEREAS, in early 2019, Dr. Patrick Gorman evaluated Lanard Maybin and diagnosed him as having posttraumatic stress disorder and significant neurocognitive difficulties secondary to traumatic brain injury, and

WHEREAS, Lanard Maybin's past medical bills amount to \$35,584.16, and Medicaid has asserted a lien in the amount of \$22,525.66, and

WHEREAS, at Shands Hospital, Denard Maybin, Jr., was intubated, was put on mechanical ventilation for a day, and was diagnosed with a severe traumatic brain injury and a subcutaneous soft tissue scalp laceration that required surgery, and

WHEREAS, Denard Maybin, Jr., remained hospitalized for 2 weeks before he was transferred to Brooks Rehabilitation Center for acute inpatient rehabilitation, and



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WHEREAS, the rehabilitation center noted that Denard Maybin, Jr., had significant cognitive deficits as well as impulsivity and behavioral changes, and

WHEREAS, Denard Maybin, Jr., continues to receive occupational therapy, physical therapy, and speech therapy, and

WHEREAS, the past medical bills of Denard Maybin, Jr., exceed \$175,000, and Medicaid has asserted a lien of \$96,833.99, and

WHEREAS, Dr. Kornberg has diagnosed Denard Maybin, Jr., with permanent impairment that will prevent him from achieving gainful employment, and

WHEREAS, Dr. Kornberg reported that Denard Maybin, Jr., is at a high risk for developing seizures in the future and that he is expected to be unable to live alone as an adult, necessitating guardianship and attendant care, and

WHEREAS, Dr. Shahnasarian has estimated future medical and palliative care needs of Denard Maybin, Jr., to be \$5,773,129, and his loss of earning capacity over his lifetime to be between \$1,568,817 and \$2,858,577, and

WHEREAS, Trooper Umana was an employee of the Florida Highway Patrol, a division of the Department of Highway Safety and Motor Vehicles, and

WHEREAS, Trooper Umana had a duty to use reasonable care to avoid accidents and injury to himself and others while driving his patrol vehicle, and

WHEREAS, Ms. Jones, as parent and natural guardian of Logan Grant, Denard Maybin, Jr., and Lanard Maybin, through a lawsuit filed in the Circuit Court of the Ninth Judicial Circuit in and for Orange County under case number 2017-CA-00732-0, alleged



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that the negligence of the Florida Highway Patrol, through its trooper, was the proximate cause of serious injuries to her minor sons, and

WHEREAS, Ms. Jones, through a separate lawsuit filed in the Circuit Court of the Ninth Judicial Circuit in and for Orange County under case number 2018-CA-004258-O, alleged that the negligence of the Florida Highway Patrol, through its trooper, was the proximate cause of her own injuries, and

WHEREAS, on November 30, 2018, in case number 2017-CA-00732-O, Ms. Jones and the Florida Highway Patrol entered into a settlement agreement regarding the claims of Ms. Jones and her minor sons which arose out of the accident described in this act, including the claims under case number 2018-CA-004258-O, which are to be dismissed with prejudice, and

WHEREAS, Ms. Jones and the Florida Highway Patrol acknowledged that if the case had gone to trial, a jury could reasonably have awarded damages to Ms. Jones in the amount of \$18 million, and both parties agreed to a settlement in the amount of \$7.785 million, and

WHEREAS, the settlement agreement required the Division of Risk Management of the Department of Financial Services to pay \$285,000 to Ms. Jones pursuant to the statutory limits of liability in s. 768.28, Florida Statutes, and

WHEREAS, Ms. Jones seeks satisfaction of the remaining balance of the settlement agreement, which is \$7.5 million, NOW, THEREFORE,

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



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

Section 2. The sum of \$7.5 million is appropriated from the Highway Safety Operating Trust Fund to the Department of Highway Safety and Motor Vehicles for the relief of Christeia Jones as compensation for injuries and damages sustained by her and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin.

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of Christeia Jones in the sum of \$7.5 million, minus payments required to satisfy outstanding Medicaid liens relating to the medical expenses and care of her and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin, upon funds of the Department of Highway Safety and Motor Vehicles in the State Treasury and to pay the same out of such funds in the State Treasury.

Section 4. The amount paid by the Division of Risk Management of the Department of Financial Services pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages sustained by Christeia Jones and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amount awarded under this act.

Section 5. This act shall take effect upon becoming a law.





## THE FLORIDA SENATE

### SPECIAL MASTER ON CLAIM BILLS

**Location**

302 The Capitol

**Mailing Address**

404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5237

DATE	COMM	ACTION
1/19/22	SM	Favorable
1/24/22	JU	Fav/CS
2/15/22	ATD	Recommend: Fav/CS
2/18/22	AP	Fav/CS

February 18, 2022

The Honorable Wilton Simpson  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **SB 80** – Senate Judiciary Committee and Senator Dennis Baxley  
**HB 6515** – Representative Lawrence McClure  
Relief of Christeia Jones/Department of Highway Safety and Motor  
Vehicles

### SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR \$17,715,000, BASED ON A MEDIATION SETTLEMENT AGREEMENT BETWEEN THE CLAIMANT, CHRISTEIA JONES, AS PARENT AND NATURAL GUARDIAN OF LOGAN GRANT, DENARD MAYBIN, JR., AND LANARD MAYBIN AND THE FLORIDA HIGHWAY PATROL/FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES. THE MEDIATION SETTLEMENT AGREEMENT RESOLVED A CIVIL ACTION ARISING FROM THE NEGLIGENT OPERATION OF A FLORIDA HIGHWAY PATROL VEHICLE WHICH RESULTED IN A CRASH AND SEVERE INJURIES TO THE CHILDREN.

#### UPDATE TO PRIOR REPORT

On October 29, 2019, Ms. Christie M. Letarte, serving as Senate Special Master, held a hearing on a previous version of this bill SB 16 (2020). After the hearing, Ms. Letarte issued a report dated February 6, 2020 containing findings of fact and conclusions of law based on argument and information provided before, during, and at the hearing solely by counsel for the claimants, as a litigation settlement agreement

required the Florida Highway Patrol, a division of the Department of Highway Safety and Motor Vehicles, to remain silent on the claim bill and not support or oppose the bill.

Ms. Letarte found the amount sought is reasonable when compared to analyses provided by claimants' economist. A copy of that report is attached as an addendum to this report.

Since that time, the Senate President has reassigned the claim to the undersigned to review records and determine whether any changes have occurred since the hearing that, if known at the hearing, might have significantly altered the findings or recommendations in the previous report.

The undersigned has received no information to indicate that any such changes have occurred since the hearing. An updated statement dated August 31, 2021 from the Department of Highway Safety and Motor Vehicles (Department) through its General Counsel, identifying the source of payment for the claim bill if approved by the Legislature without an appropriation of additional funds, and describing the impact that the payment might have on the Department's operations, indicates:

Senate Bill 80 appropriates \$17.715M from the General Revenue Fund to the [Department] for the relief of Christeia Jones, Logan Grant, Denard Maybin, Jr., and Lanard Maybin. If this legislation is approved without an appropriation, the Department would have no existing budget authority to pay the claim. The only course of action if no appropriation is approved would be to request budget authority from the General Revenue Funds pursuant to Chapter 216.177, F.S. Should an appropriation be made from the Highway Safety Operating Trust Fund, it would severely and detrimentally limit Department operations, requiring vacant positions to be unfilled in order to have the cash to pay the claim and still meet other operational obligations. This would include all Divisions throughout the Department, including the Florida Highway Patrol and Motorist Services Field Offices providing driver license and motor vehicle services.<sup>1</sup>

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<sup>1</sup> E-mail Correspondence from Ms. Christie S. Utt, General Counsel for the Department (Aug. 31, 2021).

**RECOMMENDATIONS:**

The undersigned concurs in the following Recommendation in the previous report, which are applicable to SB 80:

Although the settlement agreement resolved Christeia Jones' claims, as well as claims on behalf of her three boys, Ms. Jones is not seeking relief in an individual capacity through this claim bill.<sup>2</sup>

Therefore, the undersigned recommends removing references in the bill identifying Ms. Jones as a claimant, or providing relief to her; or, replacing such portions with clarifying language providing the funds to the special needs trusts of Logan Grant, Denard Maybin, Jr., and Lanard Maybin, which are handled by Ms. Ashley Gonnelli of Guardian Trust Foundation, Inc.<sup>3</sup>

For the reasons set forth above, the undersigned Senate Special Master recommends that Senate Bill 80 (2022) be reported FAVORABLY.

Respectfully submitted,

Mary K. Kraemer  
Senate Special Master

cc: Secretary of the Senate

**CS/CS by Appropriations Committee:**

The committee substitute revises the whereas clauses to reflect the settlement total of \$7.785 million and changes the funding source for the claim from the General Revenue Fund to the Highway Safety Operating Trust Fund.

**CS by Judiciary**

The CS reduces the appropriation in the bill to \$7.5 million.

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<sup>2</sup> Affidavit of Attorney for Claimants, 1 (Oct. 16, 2019).

<sup>3</sup> E-mail Correspondence from Mr. Daniel Smith, Attorney for Claimants (Jan. 16, 2020).



## THE FLORIDA SENATE

### SPECIAL MASTER ON CLAIM BILLS

**Location**

409 The Capitol

**Mailing Address**

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

DATE	COMM	ACTION
2/6/20	SM	Report Submitted
	JU	
	ATD	
	AP	

February 6, 2020

The Honorable Bill Galvano  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **SB 16** – Senator Simmons  
**HB 6517** – Representative Williamson  
Relief of Christeia Jones, Logan Grant, Denard Maybin, Jr., and Lanard  
Maybin by the Department of Highway Safety and Motor Vehicles

### SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR GENERAL REVENUE FUNDS IN THE AMOUNT OF \$17,715,000. THIS AMOUNT IS THE REMAINING BALANCE OF AN \$18,000,000 SETTLEMENT AGREEMENT REGARDING ALLEGED NEGLIGENCE OF TROOPER RAUL UMANA AND THE FLORIDA HIGHWAY PATROL, A DIVISION OF THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.

#### FINDINGS OF FACT:

##### **The Accident**

On May 18, 2014, at approximately 9:25 p.m., Florida Highway Patrol (FHP) Trooper Raul Umana, traveling north on I-75 in a 2007 Crown Victoria patrol vehicle, attempted to turn around using a crossover gap in the median. Trooper Umana had been on the far right shoulder assisting with a disabled vehicle and then made two lane changes with a maximum speed of 45 miles per hour as he crossed to the far left northbound lane and approached the crossover gap.<sup>4</sup> He

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<sup>4</sup> Florida Highway Patrol Vehicle/Personnel Crash Investigation Report (FHP Report), 25 (Aug. 29, 2014).

entered the median too quickly to properly negotiate the turn and hit the median barrier at a speed of 20 miles per hour before entering the southbound lane.<sup>5</sup>

Ms. Christeia Jones was traveling in the southbound lane with her three children in the backseat (Logan Grant, 2 years old; Lanard Maybin, 5 years old; and Denard Maybin, Jr., 7 years old).

Once entering the southbound lane at nine miles an hour, Trooper Umana's vehicle struck the 2014 Nissan Altima driven by Ms. Jones as well as a Mercedes traveling behind Ms. Jones. Ms. Jones had been traveling at 88 miles per hour, applied brakes and steered right (away from Trooper Umana's vehicle) and was traveling at 62 miles per hour at the time of impact with Trooper Umana's vehicle.<sup>6</sup>

After being struck by Trooper Umana's vehicle and applying brakes, Ms. Jones's Altima slowed to 16.94 miles an hour, and remained in the traveling lanes 179.5 feet from the initial collision.<sup>7</sup> A tractor-trailer truck then collided with the Mercedes immediately behind Ms. Jones's vehicle; and then the tractor-trailer truck hit Ms. Jones's vehicle while traveling at 69 miles per hour. The collision with the tractor-trailer truck accelerated the speed of Ms. Jones's car to 58.33 miles per hour as her vehicle was pushed toward the shoulder of the highway.<sup>8</sup> After both vehicles left the roadway and Ms. Jones's vehicle rotated 270 degrees, the tractor-trailer truck hit Ms. Jones's vehicle a second time and Ms. Jones's vehicle came to rest after hitting a tree. The engine compartment then caught fire.<sup>9</sup>

Ms. Jones was able to exit the vehicle but emergency personnel had to extract her three children who were trapped inside of the car after the rear seat was crushed by impact from the tractor-trailer truck. The FHP report describes damage to the vehicle in great detail<sup>10</sup> and notes the driver of

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<sup>5</sup> *Id.* at 33.

<sup>6</sup> *Id.* at 25.

<sup>7</sup> *Id.* at 27.

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

<sup>9</sup> *Id.* at 28.

<sup>10</sup> *Id.* at 15. The report includes a description of the extensive crushing and damage to the back of the vehicle.

"The rear center and left headrest [were] crushed forward to the back of the driver's seat. The front right seat was twisted to the left by the back seat." *Id.* at 16.

the tractor trailer did not fully apply the brakes until after colliding with the Mercedes, which was inconsistent with a statement made by the driver during the investigation.<sup>11</sup>

#### *FHP Report*

The FHP report noted no known distractions, adverse weather conditions, or evasive actions that would have contributed to the causation of the crash.<sup>12</sup>

#### **Restraints**

The FHP report provides both Lanard (5) and Denard (7) were “unrestrained at the time of the crash and suffered critical injuries,” and Logan (2) was restrained in a forward facing child seat and suffered critical injuries as a result of the incident.<sup>13</sup>

Ms. Jones confirmed Logan (2) was secured in a forward facing car seat; however, she testified both Lanard (5) and Denard (7) were wearing seatbelts when they began the ride.<sup>14</sup> Additionally, the FHP report includes information from Ms. Jones’s grandmother, Marilyn Lilly, who told the investigating officer the two older boys were wearing seatbelts when Ms. Jones left her house.<sup>15</sup> Ms. Jones does not have knowledge of the boys unbuckling themselves during the course of the ride.<sup>16</sup>

Counsel for claimants indicated there was no expert testimony presented suggesting the seatbelts would have made a difference for Lanard and Denard. Counsel noted the one child who was restrained, Logan, was the most severely injured. Counsel suggested if seatbelts were not used by the two older boys—not wearing the belts may have saved their lives.<sup>17</sup>

#### **Speed**

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<sup>11</sup> *Id.* at 28.

<sup>12</sup> *Id.* at 5.

<sup>13</sup> *Id.* at 6-7. “The rear left and center seatbelts were locked in the retracted position. The rear right seat belt appeared to have been cut in two places. The child restraint seat was cracked and the metal seatbelt clip was bent.” *Id.* at 16.

<sup>14</sup> Deposition, Christeia Jones, 87 (Jan. 18, 2018); Deposition, Trooper Crocker 7:20–7:30.

<sup>15</sup> FHP Report at 22.

<sup>16</sup> Special Master Hearing at 3:28:43-3:29:45.

<sup>17</sup> *Id.* at 14:45-15:58.

The posted speed limit of the highway where the incident occurred was 70 miles per hour.<sup>18</sup> Information gathered during the FHP's investigation demonstrated Ms. Jones was driving at a speed exceeding the limits and made efforts to slow down just before impact with Trooper Umana's vehicle.

FHP investigators were able to obtain information from the event data recorder in Ms. Jones's vehicle. Prior to Trooper Umana's vehicle hitting Ms. Jones's vehicle, Ms. Jones was traveling at 88 miles per hour; which counsel for the claimants noted as going with the flow of traffic.<sup>19</sup> The FHP report indicates about 1.5-2 seconds prior to impact, speed was reduced to 86 miles per hour. By one second before impact, Ms. Jones was traveling at 79 miles per hour; .5 second before impact, she was traveling at 69 miles per hour; and, at impact, she was traveling at 62 miles per hour.<sup>20</sup>

### **Medical Injuries**

Ms. Jones is not seeking relief for herself through the claim bill. She seeks relief only for her children. Information regarding injuries to the three children was provided at the special master hearing. The submitted information includes evaluations, for each child, by medical professionals, vocational rehabilitation, and life care planning professionals.

#### *Logan Grant*

Logan suffered from a severe traumatic brain injury, orbital fractures, lung contusions, and a left subdural hematoma in his brain. He was hospitalized at UF Health Shands Hospital for a month before going to a rehabilitation hospital for another two weeks.<sup>21</sup>

As of November 2017, Logan could walk on his own with fewer falls when wearing a brace on one foot; fatigued easily; was able to dress himself if clothing did not have fasteners; had limited strength and coordination with his left hand; and had cognitive-behavioral impairment. He was receiving

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<sup>18</sup> FHP Report at 5.

<sup>19</sup> Special Master Hearing at 51:20-51:30. *See also* FHP Report at 13 (noting none of three witnesses, who were truck drivers, indicated Ms. Jones, the vehicle behind her, nor the tractor-trailer truck were speeding). Counsel for claimants highlighted this information in support of Ms. Jones, who, although speeding, was traveling with the flow of traffic. Special Master hearing at 52:20-53:06.

<sup>20</sup> FHP Report at 18.

<sup>21</sup> Special Master Hearing at 16:00-16:30; *see* Kornberg, MD, Paul B., Rehabilitation & Electrodiagnostics: Comprehensive Medical Evaluation, 13 -15 (Nov. 22, 2017).

occupational, physical, speech, and behavioral therapy.<sup>22</sup> The doctor evaluating Logan found his “level of function and quality of life has markedly diminished in relation to the motor vehicle crash” and anticipated his deficits are permanent and will require continued multidisciplinary care.<sup>23</sup> The evaluating doctor believes, due to cognitive and communication impairments, Logan is not expected to be able to live alone as an adult, and will require guardianship and attendant care to assist with activities of daily living.<sup>24</sup>

A doctor examining Logan on behalf of the respondent came to similar conclusions with regard to Logan’s abilities and future needs. The doctor found Logan had cognitive deficits with regard to executive functioning and his ability to control behaviors, regulate emotions, and stay on task.<sup>25</sup> This doctor also found Logan will likely need some assistance in making major life and financial decisions; and he is likely to be able to perform labor-oriented work.<sup>26</sup>

A doctor hired by the claimants conducted a vocational rehabilitation evaluation, which included the finding that he “will not be capable of securing and maintaining competitive employment.”<sup>27</sup> The doctor found it reasonable to assume he would have previously been capable of graduating from high school and earning a college degree.<sup>28</sup> The same doctor, in coordination with others, evaluated Logan’s needs and developed a life care plan.<sup>29</sup> An economist used underlying reports from doctors evaluating the claimant to estimate economic losses and the cost of future care needs which are identified later in this report.

*Lanard Maybin*

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<sup>22</sup>Kornberg, MD, Paul B., Rehabilitation & Electrodiagnostics: Comprehensive Medical Evaluation, 8-10 (Nov. 22, 2017).

<sup>23</sup> *Id.* at 14.

<sup>24</sup> *Id.* at 15.

<sup>25</sup> Kelderman, M.D., Jill (The Center for Pediatric Neuropsychology), Compulsory Medical Evaluation for Logan Grant, 9 (Aug. 23, 2018).

<sup>26</sup> *Id.* at 10.

<sup>27</sup> Shahnasarian, Ph.D., Michael, Vocational Rehabilitation Evaluation of Logan Eduardo Grant, 30 (June 25, 2018). This finding is based upon a reasonable degree of vocational rehabilitation probability. *Id.* But see Kelderman, Ph.D. ABPP, Jill, Pediatric Neuropsychological Evaluation, 10 (Aug. 23, 2018) (concluding Logan will likely need some level of supervision throughout adulthood with regard to major life and financial decisions but noting he is likely to be able to work labor-related jobs).

<sup>28</sup> *Id.* at 31.

<sup>29</sup> Shahnasarian, Ph.D., Michael, 1<sup>st</sup> Update—Life Care Plan Prepared for Logan Eduardo Grant (Aug. 2, 2018).



Lanard, who was found in the front of the car under the dashboard, suffered facial lacerations, a left shoulder fracture, a major neurocognitive disorder and behavioral disturbance related to a traumatic brain injury, attention deficit disorder related to traumatic brain injury, and possible post-traumatic stress disorder.<sup>30</sup>

In September 2019, a doctor providing an opinion about Lanard's functional status and needs noted his "level of function and quality of life has markedly diminished" as a result of his injuries. The doctor also noted ongoing neurocognitive and behavioral impairments that impact daily life at home and in school, which will require ongoing multidisciplinary care. The doctor believes these impairments will negatively impact Lanard's future vocational potential and his level of independence; however, the doctor is not certain if Lanard will be able to achieve gainful employment in the competitive job market or live alone as an adult.<sup>31</sup>

In 2019, a doctor conducted a vocational rehabilitation evaluation of Lanard. In reviewing medical records, the doctor noted neuropsychological diagnoses of 1) a major cognitive disorder likely from traumatic brain injury with behavior disturbance; 2) post-traumatic stress disorder; and 3) nocturnal enuresis. Additionally, Lanard indicated difficulty focusing and has ongoing nightmares and accident-related thoughts. His facial scarring is described as "prominent."<sup>32</sup> The same doctor, in coordination with others, evaluated Lanard's needs and developed a life care plan.<sup>33</sup> An economist used underlying reports from doctors evaluating the claimant to estimate economic losses and the cost of future care needs, which are identified later in this report.

### *Denard Maybin*

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<sup>30</sup> Kornberg, M.D., Paul, Comprehensive Medical Evaluation of Lanard Maybin, 11 (Sept. 11, 2019); Shands at the University of Florida, Department of Pediatric Surgery Discharge Note Re: Lanard Maybin (May 23, 2014).

<sup>31</sup> Kornberg at 11.

<sup>32</sup> Shahnasarian, Ph.D., Michael, Vocational Rehabilitation Evaluation of Lanard Maybin, 26 (Aug. 14, 2019).

<sup>33</sup> Shahnasarian, Ph.D., Michael, 1<sup>st</sup> Update—Life Care Plan Prepared for Lanard Maybin (Nov. 4, 2019). During his testimony at the special master hearing, Dr. Shanasarian indicated one needed change to page 19 of his original report. He noted it should read, "to be determined" as to whether Lanard would require a live-in personal care attendant after the age of 22. See Shanasarian, Life Care Plan Prepared for Lanard Maybin (Oct. 18, 2019). The correction was at the request of Dr. Gorman, a neuropsychologist, who could not state, with probability, the ongoing need beyond age 21. Special Master Hearing at 1:29:40-1:30:06. Counsel for claimants submitted a revised life care plan and a revised economic loss analysis report regarding Lanard in November of 2019, as cited above.

Denard suffered from a traumatic brain injury, right subdural hematoma, and diffuse axonal injury.<sup>34</sup> A 2015 follow-up MRI showed scarring and shrinking of the brain in some areas; and an old hemorrhage in the bilateral front lobes (which are responsible for executive functioning and emotional regulation).<sup>35</sup>

In 2017, a doctor evaluated Denard for the purpose of providing an opinion about his functional status and future needs. The doctor found his “level of function and quality of life has markedly diminished in relation to the motor vehicle crash.”<sup>36</sup> The evaluation noted mild right lower extremity weakness with motor perceptual, communication, and cognitive impairments, which are anticipated to be permanent.<sup>37</sup> As a result of cognitive and functional impairments, the evaluating doctor believes Denard will require ongoing multidisciplinary care and is not expected to attain gainful employment in the competitive job market.<sup>38</sup>

A doctor examining Denard on behalf of the respondent found Denard has “significant weaknesses” with regard to executive functioning, “remarkable deficits” with regard to organization, “significant difficulties with fine motor skills,” as well as visual-spatial deficits.<sup>39</sup> With regard to Denard’s abilities and future needs, the doctor found Denard is unlikely to attain a standard high school diploma and notes he will likely require some level of assistance and supervision with major life and financial decisions.<sup>40</sup> However, he is “unlikely to require a personal care attendant as he will be able to care for his personal needs.”<sup>41</sup> This doctor also believes Denard will be able to perform labor-oriented work.<sup>42</sup>

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<sup>34</sup> Special Master Hearing at 16:32-16:58; see Kornberg, M.D., Paul B, Rehabilitation & Electrodiagnostics: Comprehensive Medical Evaluation–Denard Maybin, 2-3 (Nov. 22, 2017).

<sup>35</sup> Kornberg at 6; see Special Master Hearing at 2:19:00-2:20:45.

<sup>36</sup> Kornberg at 12.

<sup>37</sup> *Id.* at 12.

<sup>38</sup> *Id.* at 12; see also Shahnasarian, Michael, Vocational Rehabilitation Evaluation for Denard Maybin, 33 (June 22, 2018).

<sup>39</sup> Kelderman, M.D., Jill (The Center for Pediatric Neuropsychology), Compulsory Medical Evaluation for Denard Maybin, Jr., 9 (Aug. 22, 2018).

<sup>40</sup> *Id.* at 10.

<sup>41</sup> *Id.* at 10. This is notable as the life care plan and costs of future life care needs includes the cost of a live-in personal care attend with a present value cost of \$4,195,226; as well as an item listed as “additional cost for live-in care,” which has a present value of \$208,692. Raffa, Frederick (Raffa Consulting Economists, Inc.), Economic Loss Analysis in the Matter of Maybin, Jr., Denard vs. Florida Highway Patrol, Table 2 (Oct. 31, 2018).

<sup>42</sup> Kelderman at 10.

In 2018, a doctor provided a vocational rehabilitation evaluation for Denard as requested by the claimants.<sup>43</sup> The doctor's findings included academic and medical difficulties since the accident, and multifaceted neuropsychological difficulties. These difficulties include reasoning ability, memory, processing speed, motor skills, emotional disturbance, and anxiety among other findings.<sup>44</sup> The doctor concluded Denard is not likely to be capable of attaining competitive employment.<sup>45</sup>

The same doctor, in coordination with others, evaluated Denard's needs and developed a life care plan.<sup>46</sup> An economist used underlying reports from doctors evaluating the claimant to estimate economic losses and the cost of future care needs, which are identified later in this report.

#### *Caretaking*

Ms. Jones is the primary caretaker for Logan, Lanard, and Denard and takes them to all of their appointments. She testified she takes them to speech, physical, and occupational therapy appointments two days a week (2-3 hours each of those days). In addition, she takes them to appointments with specialists and their primary care physician. Ms. Jones works as a substitute teacher 1-3 days a week (depending upon appointments), which allows her to have a schedule flexible enough to get her children to their doctors and therapists. She would like to work fulltime using her bachelor's in criminal justice and seek a master's and a law degree.<sup>47</sup>

#### **Estimated Economic Losses**

Claimants submitted economic loss analyses<sup>48</sup> with regard to the children based upon medical assessments and expected needs and limitations.

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<sup>43</sup> Shahnasarian, Ph.D., Michael, Vocational Rehabilitation Evaluation for Denard Maybin, 33 (June 22, 2018).

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

<sup>45</sup> *Id.*

<sup>46</sup> Shahnasarian, Ph.D., Michael, Life Care Plan Prepared for Denard Maybin (July 5, 2018).

<sup>47</sup> Special Master Hearing at 3:15:09-3:18:10. Ms. Jones testified about her worries for her children as well as her desire to make sure they are healthy and prepare them as much as possible to live without her. *Id.* at 3:31:30-3:32:00 and 3:38:50-3:39:00.

<sup>48</sup> See Raffa, Frederick (Raffa Consulting Economists, Inc.), Economic Loss Analysis in the Matter of Mr. Lanard Maybin 2<sup>nd</sup> Revised Report (Nov. 7, 2019); Raffa, Frederick (Raffa Consulting Economists, Inc.), Economic Loss Analysis in the Matter of Grant, Logan vs. Florida Highway Patrol Report (Nov. 2, 2018); Raffa, Economic Loss Analysis Re: Denard.

The estimated economic losses with regard to future earning capacities in different scenarios were as follows:

<b>Earning Capacity: Assuming Pre-Incident Employment with No Further Degree Beyond High School</b>	
	<b>Present Value</b>
<b>Logan</b>	\$1,543,014
<b>Lanard</b>	\$1,690,822
<b>Denard</b>	\$1,592,738

<b>Earning Capacity: Assuming Pre-Incident Employment and Additional Schooling</b>	
	<b>Present Value</b>
<b>Logan</b> (with a bachelor's degree)	\$2,810,754
<b>Lanard</b> (with technical school training)	\$1,834,473
<b>Denard</b> (with a bachelor's degree)	\$2,906,356

The estimated cost of future life care needs for each child is as follows:

<b>Cost of Future Life Care Needs</b>	
	<b>Present Value</b>
<b>Logan</b> <sup>49</sup>	\$6,702,555 or \$6,738,094
<b>Lanard</b> <sup>50</sup>	\$2,126,572
<b>Denard</b> <sup>51</sup>	\$5,818,550

In summary, the estimated economic loss and cost of future care at present value<sup>52</sup> for each child is as follows:

- Logan \$8,245,569–\$9,548,848
- Lanard \$3,817,394–\$3,961,045
- Denard<sup>53</sup> \$7,411,288–\$8,724,906

<sup>49</sup> Two options were listed for Logan's Life Care Plan depending upon what is used to assist him with ambulating (Option 1: Walkaide and Options 2: Bioness L300).

<sup>50</sup> The values for Lanard include adjusting for the correction to the life care plan evaluation (indicating the need for a live-in attendant after the age of 21 is yet to be determined by professionals).

<sup>51</sup> If the medical opinion of the respondent's evaluating doctor is applied (that Denard will not require live-in care), the values for Denard's future life care needs would likely be reduced by the values listed for a live-in care attendant (\$4,195,226) and "additional cost for live-in care" (\$208,692). If he no longer required housekeeping, that would further reduce his future life care needs by \$70,761. See Raffa Economic Loss Analysis Re: Denard at Table 2.

<sup>52</sup> Raffa Economic Loss Analysis Re: Logan at Tables 3A and 3B; Raffa 2<sup>nd</sup> Revised Economic Loss Analysis Re: Lanard at Tables 3A and 3B; and Raffa Economic Loss Analysis Re: Denard at Tables 3A and 3B.

<sup>53</sup> See *supra* n. 48.

Combined, the estimated economic loss ranges for all three children is \$19,474,251–\$22,234,799.<sup>54</sup>

### **Trooper Raul Umana**

During a deposition related to this matter, Trooper Umana stated he was going to pull into the median and wait until it was safe to turn around; however, he admitted he approached too quickly. He said his “lack of experience there really kicked in.”<sup>55</sup> He said “there was too close of [a] range for me to get across and turn around.”<sup>56</sup> Trooper Umana agreed it was part of his training to turn around in the safest area.<sup>57</sup> Although he did not know the speed at which he entered the median, his opinion was it “was too fast.”<sup>58</sup>

The FHP report indicates Trooper Umana received a traffic citation for careless driving pursuant to section 316.1935, of the Florida Statutes,<sup>59</sup> which he states he paid.<sup>60</sup> He did not receive any discipline from FHP.<sup>61</sup>

### **Other Vehicles Involved in Incident**

In addition to Trooper Umana’s and Ms. Jones’s vehicles, there were two other vehicles involved in this incident. There was a vehicle directly behind Ms. Jones’s vehicle involved, as well as a tractor-trailer truck.

#### *The Vehicle Behind Ms. Jones’s Vehicle*

The vehicle behind Ms. Jones, according to the FHP report, was following too closely behind her.<sup>62</sup> Although this vehicle did not come into contact with Ms. Jones’s vehicle, the insurer of this vehicle opted to provide \$20,000 in a settlement agreement.

#### *The Tractor-Trailer Truck*

Two possible issues arose with regard to the tractor-trailer truck. The first potential issue was with regard to speed. Although the tractor-trailer truck did not have a recording of

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<sup>54</sup> Although respondent’s doctor does not believe Denard will require live-in care after the age of 21, these amounts include such live-in care.

<sup>55</sup> Trooper Raul Umana, Deposition, 22 lines 19–12 (July 17, 2017).

<sup>56</sup> *Id.* at 22 line 25–23 line 5.

<sup>57</sup> *Id.* at 26 lines 1–4.

<sup>58</sup> *Id.* at 32 lines 6–11.

<sup>59</sup> FHP Report at 59.

<sup>60</sup> Trooper Raul Umana, Deposition, 53 lines 17–20.

<sup>61</sup> *Id.* at 53 line 14–54 line 10 (July 17, 2017).

<sup>62</sup> FHP Report at 26.

data like Ms. Jones's Altima had, a responding trooper originally noted the driver of the tractor-trailer truck was following too closely because the driver had stated he did not have time to react after vehicles in front of him were involved in the initial crash.<sup>63</sup> The significant damage to the back of Ms. Jones's vehicle, which crushed the back seat where her children were located, was from impact of the tractor-trailer truck. The second potential issue was with regard to the driver's time on duty and whether he exceeded the limit regarding driving hours.<sup>64</sup> Evidence was not submitted to confirm whether the driver of the tractor-trailer truck had been following too closely or driving for too many hours at the time of the crash.

### **Litigation History and Settlement**

Two cases were filed by Ms. Jones in Orange County seeking relief as a result of this incident. One case was filed by Ms. Jones on behalf of her three children<sup>65</sup>; and the other was filed regarding Ms. Jones's personal injury claims.<sup>66</sup> Prior to trial, the parties arrived at a mediated settlement agreement<sup>67</sup> and both cases were subsequently closed.

#### *Settlement*

Counsel for claimants believed the potential jury verdict value of this matter would be \$40-50 million.<sup>68</sup> The mediated settlement agreement notes claimants and respondent (FHP) acknowledged "a jury could reasonably award damages to the minor Plaintiffs in the amount of [\$18 million]."<sup>69</sup> Counsel for the claimants stated the settlement amount was less than the amount claimants believe is the full value because of issues relating to speed and whether the use of seatbelts would have been of concern for a jury. Counsel noted there was no information suggesting Ms. Jones could have avoided the incident, but conceded the issue of the seatbelts could have affected a jury's verdict.<sup>70</sup>

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<sup>63</sup> Sworn Audio Statement, Trooper Shawn Crocker, 13:30-13:59 (June 9, 2014).

<sup>64</sup> Special Master Hearing at 1:06:20-1:07:06.

<sup>65</sup> Jones on behalf of Grant, et al. v. Fla Highway Patrol, Case No. 2017-CA-000732-O (Fla. 9<sup>th</sup> Circ. Ct.).

<sup>66</sup> Jones v. Fla. Highway Patrol, Case No. 2018-CA-004258-O (Fla. 9<sup>th</sup> Circ. Ct.).

<sup>67</sup> Special Master Hearing at 16:59-17:25.

<sup>68</sup> *Id.* at 20:22-20:37.

<sup>69</sup> Mediation Settlement Agreement, Jones on behalf of Grant, et al. v. Fla. Highway Patrol, Case No. 2017-CA-000732-O (Fla. 9<sup>th</sup> Circ. Ct.), 2 (Nov. 30, 2018); Special Master Hearing at 4:02:30-4:03:56.

<sup>70</sup> Special Master hearing at 21:00-21:54.

The respondent did not admit liability or responsibility for the incident but did reach a mediated settlement agreement of \$18,000,000.<sup>71</sup> As part of the agreement, the respondent agreed to be silent on the claim bill, not support or oppose the bill, and did not present a case or argument at the special master hearing.<sup>72</sup>

### **Funds Received by Claimants**

Pursuant to settlement agreements, claimants have received funds from FHP, the insurer of the tractor-trailer truck, and the insurer of the Mercedes.

#### *Respondent's Payment Pursuant to the Statutory Cap*

The claimants received the remaining amount (\$285,000)<sup>73</sup> of the respondent's statutory limit (\$300,000 per incident) from the Division of Risk Management and seek the remaining balance of the settlement (\$17,715,000) through this claim bill. From payment of the limit, claimants' net proceeds were \$142,999.14, and the following disbursements were made<sup>74</sup>:

- |   |             |
|---|-------------|
| • Christeia Jones                       | \$49,999.14 |
| • Logan Grant Special Needs Trust (SNT) | \$25,000.00 |
| • Denard Maybin, Jr. SNT                | \$25,000.00 |
| • Lanard Maybin SNT                     | \$50,000.00 |

#### *Settlement Funds from other Insurance Policies*

In addition to the respondent's payment, the children received funds from settlements with insurers of two other vehicles involved in the accident.<sup>75</sup>

Each of the children recovered funds from the tractor-trailer truck's insurance company, and Ms. Jones recovered a portion of each of those amounts, as well. The total recovery from the tractor-trailer truck's insurance company was \$965,984.33. After payment of attorney fees and costs and liens, the distributions were as follows:

- |                   |              |
|-------------------|--------------|
| • Christeia Jones | \$15,000     |
| • Logan Grant SNT | \$185,031.80 |

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<sup>71</sup> Order on Petition for Approval of Personal Injury Settlement of Minors Logan Grant, Denard Maybin, Jr., and Lanard Maybin, Case No. 2017-CA-000732-O (Fla. 9<sup>th</sup> Circ. Ct.) (June 24, 2019).

<sup>72</sup> Mediation Settlement Agreement at 2.

<sup>73</sup> The first \$15,000 of respondent's limit went to the driver of the tractor-trailer truck. Correspondence from Kenneth McKenna, Attorney for Claimants (Nov. 12, 2019).

<sup>74</sup> Closing Statement, Recovery from FHP (June 27, 2018); see Affidavit of Attorney for Claimants Attorney (Oct. 16, 2019).

<sup>75</sup> Affidavit of Attorney for Claimants at 2.

- (from total recovery of \$482,992.17)*
  - Denard Maybin, Jr. SNT \$154,191.15
- (from total recovery of \$386,393.73)*
  - Lanard Maybin SNT \$41,535.42
- (from total recovery of \$96,598.43)*

Claimants recovered \$20,000 from an insurer of the Mercedes traveling behind Ms. Jones that was involved in the incident. From this settlement, proceeds to claimants totaled \$5,644.22, which was distributed as follows:

- Logan Grant SNT \$1,881.41
- Denard Maybin, Jr. SNT \$1,881.41
- Lanard Maybin SNT \$1,881.40

### **Balance of Each Child's Special Needs Trust**

As of fall 2019, the balance of each child's special needs trust is as follows<sup>76</sup>:

- Logan Grant SNT \$205,368.83
- Denard Maybin, Jr. SNT \$170,415.51
- Lanard Maybin SNT \$80,817.50

### **Liens**

Florida Medicaid had asserted liens on each claimant though HMS/Conduent, which have been paid in full.<sup>77</sup>

WellCare has asserted a lien of \$49,767.42 regarding Logan Grant; \$22,869.40 on Denard Maybin, Jr.; and \$8,485.71 on Lanard Maybin.<sup>78</sup> Counsel for claimants indicated funds are being held in trust for payment of these liens; however, there is disagreement with regard to how much is to be paid.<sup>79</sup>

### **CONCLUSIONS OF LAW:**

A *de novo* hearing was held as the Legislature is not bound by settlements or jury verdicts when considering a claim bill, passage of which is an act of legislative grace.

Section 768.28, Florida Statutes, waives sovereign immunity for tort liability up to \$200,000 per person and \$300,000 for all

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<sup>76</sup> Information is as of September 12, 2019 for all accounts.

<sup>77</sup> First Updated Affidavit of Attorney for Claimants, 2 (Nov. 12, 2019).

<sup>78</sup> Affidavit of Attorney for Claimants at 3. Special Master Hearing at 2:50:30-2:54:30.

<sup>79</sup> First Updated Affidavit of Attorney for Claimants, 3 (Nov. 12, 2019).



claims or judgments arising out of the same incident. Sums exceeding this amount are payable by the State and its agencies or subdivisions by further act of the Legislature.

In this matter, the claimants allege negligence on behalf of Trooper Umana. The State is liable for a negligent act committed by an employee acting within the scope of employment. Trooper Umana was operating his patrol vehicle while on duty and was within the scope of his employment with Florida Highway Patrol (a division of the Department of Highway Safety and Motor Vehicles). Therefore, his employer, ultimately the State, is liable for negligent acts committed by him pursuant to the statutory sovereign immunity waiver.

### **Negligence**

There are four elements to a negligence claim: (1) duty—where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach—which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation—where the defendant's conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages—actual harm.<sup>80</sup>

### *Duty*

Statute and case law describe the duty of care placed upon motorists. Florida's statute regarding careless driving provides:

Any person operating a vehicle upon the streets or highways within the state shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this section.<sup>81</sup>

Case law provides motorists have a duty to use reasonable care to avoid accidents and injury to themselves and others.<sup>82</sup> The driver of an automobile, a "dangerous instrumentality," is responsible for maintaining control of the vehicle, commensurate with the setting, and being "prepared to meet

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<sup>80</sup> Williams v. Davis, 974 So.2d 1052, at 1056–1057 (Fla. 2007).

<sup>81</sup> Section 316.1925(1), Fla. Stat.

<sup>82</sup> Nelson v. Ziegler, 89 So.2d 780, 783 (Fla. 1956).

the exigencies of an emergency within reason and consistent with reasonable care and caution.”<sup>83</sup>

#### *Breach*

The undersigned finds Trooper Umana breached the duties described above when he approached the median too quickly, as he admitted himself, and attempted to turn around in the center median.

#### *Causation*

Trooper Umana's breach of duty in approaching the median too quickly caused him to hit the guardrail and travel into oncoming traffic where he made impact with other vehicles, including the Jones's Altima. The collision with Trooper Umana's vehicle pushed the Jones's vehicle into the path of the tractor-trailer truck traveling in the middle lane. Impact with the tractor-trailer truck caused significant damage to the back of the vehicle and injured the children in the backseat.

Case law provides, when injury results “directly and in ordinary natural sequence from a negligent act without the intervention of any independent efficient cause,” where the sequence “should be regarded as a probable, not a mere possible, result of the negligent act, [the injured person] is entitled to recover damages as compensation.”<sup>84</sup> The undersigned finds it probable, not merely possible, the Jones's vehicle would be hit by another vehicle after being hit by Trooper Umana's vehicle on a three-lane highway. The damages sustained by the Joneses are the natural result of the sequence of events set in motion by Trooper Umana.

#### *Damages*

As a result of the collision, doctors indicated all three children suffered traumatic brain injuries as well as the medical injuries previously described in this report. The total amount of damages provided by claimant's economic analyst is \$19,474,251–\$22,234,799.

As noted previously, the doctor examining the children for the respondent does not believe Denard will require live-in assistance. If Denard does not require live-in care after the age of 21, the economic loss for him may be significantly

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<sup>83</sup> Nelson, 89 So.2d at 783.

<sup>84</sup> Loftin et al. v. McCrainie, 47 So.2d 298, 301 (Fla. 1950).

reduced. However, claimants' experts provide Denard will need such care and have calculated live-in care into the economic loss analysis. Given the claimants' submissions from various experts collaborating to create the life care plan, the undersigned finds the preponderance of evidence demonstrates Denard's estimated future need of live-in care should remain in the calculation.

Respondent and claimants agreed a jury could have awarded \$18,000,000 to the children and settled for that amount—which is less than the calculations provided by the economic analyses.

### **Comparative Negligence**

Comparative negligence “involves the apportionment of the loss among those whose fault contributed to the occurrence” and a claimant cannot recover damages for the percentage of fault for which she is liable.<sup>85</sup>

#### *Ms. Jones*

In this matter, Ms. Jones was exceeding the speed limit by traveling at 88 miles per hour on a highway with a 70 mile per hour speed limit; and two of the children were unbuckled when emergency responders found them.

With regard to Ms. Jones's speed, claimants' counsel did not provide argument of negligence on behalf of Ms. Jones for which damages apportioned to the respondent should be reduced, and respondent remained silent pursuant to the settlement agreement. The data recorder clearly provides evidence Ms. Jones had breached her duty to drive the speed limit. However, information was not provided demonstrating her speed specifically contributed to the causation of the damages suffered.

With regard to seatbelts, “a claim that a plaintiff failed to wear a seat belt and that such failure was a contributing cause of plaintiff's damages should be raised as an affirmative defense of comparative negligence.”<sup>86</sup> Testimony and information (provided by Ms. Jones and her grandmother) was consistent that Ms. Jones had buckled her three children, as well as herself, before she started

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<sup>85</sup> Hoffman v. Jones, 280 So.2d 431, 436 (Fla. 1973).

<sup>86</sup> Ridely v. Safety Kleen Corp., 693 So.2d 934, 935 (Fla. 1996).

driving. Ms. Jones also indicated she did not have knowledge of the children unbuckling themselves; however, Lenard and Denard were both found unbuckled by first responders. Regardless of how the children were unbuckled, a comparative negligence defense would also require demonstration that the breach of a duty contributed to the damages sustained. Here, counsel for claimants argued if Lenard and Denard were unbuckled—it may have saved their lives.

Given the information she had buckled the children before driving; did not have knowledge of the children unbuckling themselves if or when they did; the argument they would have sustained greater injuries if they remained restrained to the back seat which had extensive crush damage (thereby more than likely not contributing to damages); and no argument from respondent with regard to a comparative negligence defense—no contributory<sup>87</sup> negligence has been demonstrated.

*Driver of the Tractor-Trailer Truck*

Similarly, although counsel for claimants mentioned there may have been issues explored with regard to the driver of the tractor-trailer truck (potentially exceeding hours he was allowed to work and a trooper noting the driver may have been speeding) there was no demonstration of the elements required to find comparative negligence on behalf of the tractor-trailer truck driver. The only information provided regarding hours of driving was in the FHP report, which indicated five violations in eight days but stated “these violations alone are not likely to cause a fatigue factor.”<sup>88</sup> General information regarding speed of the truck indicates the driver recalled traveling at 65 miles per hour at the time of the incident and that the truck was traveling between 60 and 80 miles per hour 69% of the time.

Ms. Jones’s vehicle sustained the most significant damage from impact with the tractor-trailer truck. If more information were available regarding potential comparative negligence on behalf of the truck driver, it is possible the respondent’s responsibility for damages would be reduced; however,

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<sup>87</sup> See Section 768.81(2), Fla. Stat., describing contributory fault and its effect as “fault chargeable to the claimant [which] diminishes proportionately the amount awarded as economic and noneconomic damages for an injury attributable to the claimant’s contributory fault, but does not bar recovery.”

<sup>88</sup> FHP Report at 15.

further information to find comparative negligence on behalf of the tractor-trailer truck driver was not presented by claimants and the respondent remained silent but acknowledged such issues of comparative negligence had been explored.

**ATTORNEY FEES:**

Language in the bill states attorney fees may not exceed 25 percent of the amount awarded. Counsel for the claimants indicated attorney fees will be 20 percent, and lobbying fees will amount to 5 percent, of the total funds awarded through the claim bill.<sup>89</sup>

**RECOMMENDATIONS:**

**Recommended Amendment(s)**

Although the settlement agreement resolved Christeia Jones claims, as well as claims on behalf of her three boys, Ms. Jones is not seeking relief in an individual capacity through this claim bill.<sup>90</sup>

Therefore, the undersigned recommends removing references in the bill identifying Ms. Jones as a claimant, or providing relief to her; or, replacing such portions with clarifying language providing the funds to the special needs trusts of Logan Grant, Denard Maybin, Jr., and Lanard Maybin, which are handled by Ms. Ashley Gonnelli of Guardian Trust Foundation, Inc.<sup>91</sup>

**Recommendation on the Merits**

The undersigned did not have the benefit of hearing argument from both parties due to the settlement agreement requiring the respondent to remain silent on the claim bill and not support or oppose the bill.<sup>92</sup> Therefore, the above facts, conclusions of law, and recommendations are the result of argument and information provided by counsel for the claimants.

Based upon the information provided before, during, and after the special master hearing, the undersigned finds claimants have demonstrated negligence on behalf of the

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<sup>89</sup> Affidavit of Attorney for Claimants at 2 (noting outstanding costs of \$15,603.17 with regard to representation of the claimants).

<sup>90</sup> Affidavit of Attorney for Claimants, 1 (Oct. 16, 2019).

<sup>91</sup> E-mail Correspondence from Mr. Daniel Smith, Attorney for Claimants (Jan. 16, 2020).

<sup>92</sup> Special Master Hearing at 22:13-22:18.

respondent and the amount sought is reasonable when compared to analyses provided by claimants' economist.

Respectfully submitted,

Christie M. Letarte  
Senate Special Master

cc: Secretary of the Senate

By the Committee on Judiciary; and Senator Baxley

590-02246-22

202280c1

A bill to be entitled

An act for the relief of Christeia Jones, as guardian of Logan Grant, Denard Maybin, Jr., and Lanard Maybin; providing an appropriation to compensate them for injuries and damages sustained as a result of an automobile accident caused by Trooper Raul Umana, an employee of the Florida Highway Patrol, a division of the Department of Highway Safety and Motor Vehicles; providing a limitation on the payment of compensation and attorney fees; providing an effective date.

WHEREAS, shortly before 9:25 p.m. on May 18, 2014, Florida Highway Patrol Trooper Raul Umana attempted to cross through a gap in the median onto the southbound lanes of I-75, south of Ocala, and

WHEREAS, Trooper Umana misjudged the turn and his vehicle struck the concrete barrier before crossing into the southbound lane and striking a car driven by Christeia Jones, and

WHEREAS, Ms. Jones was transporting her minor sons, 2-year-old Logan Grant, who was secured in a forward-facing infant seat, 7-year-old Denard Maybin, Jr., and 5-year-old Lanard Maybin, in the backseat of the car, and

WHEREAS, after being struck by Trooper Umana's vehicle, Ms. Jones's car was struck in the rear by a tractor trailer, and the impact crushed the trunk and rear seating area of the car, and

WHEREAS, the car was propelled off the road, where it struck a tree and caught fire, and

WHEREAS, all three children were transported by helicopter to the University of Florida Health Shands Hospital in

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Gainesville, and

WHEREAS, at the hospital, Logan Grant was diagnosed with a severe traumatic brain injury, extensive facial fractures, pulmonary edema, and respiratory failure, and

WHEREAS, Logan Grant remained in the hospital for a month before he was discharged to Brooks Rehabilitation Hospital in Jacksonville for 2 weeks of brain injury rehabilitation, and

WHEREAS, Logan Grant continues to receive speech therapy weekly and struggles with expressive and receptive language, and

WHEREAS, Logan Grant also exhibits left-side body weakness and behavioral difficulties, and

WHEREAS, Logan Grant's past medical bills exceed \$310,000, and Medicaid has asserted a lien of \$135,161.64, and

WHEREAS, pediatric physical medicine and rehabilitation specialist Dr. Paul Kornberg has examined Logan Grant and has observed ongoing left hemiparesis with motor, perceptual, communicative, cognitive, and behavioral impairments of a permanent nature which will prevent him from achieving gainful employment, and

WHEREAS, Dr. Kornberg reported that Logan Grant is at a high risk for developing seizures in the future, requires ongoing bracing of his left ankle to improve gait, is anticipated to require a scooter for long-distance mobility by the age of 30, is likely to require invasive treatment or orthopedic surgery in the form of left heel cord lengthening in the future, and is expected to be unable to live alone as an adult, necessitating guardianship and attendant care, and

WHEREAS, Dr. Michael Shahnasarian has estimated Logan Grant's future medical and palliative care needs to be

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202280c1

\$6,702,555, and his loss of earning capacity over his lifetime to be between \$1,543,014 and \$2,810,754, and

WHEREAS, Lanard Maybin arrived at Shands Hospital with a Glasgow Coma Scale of 7, a head injury, a facial laceration, and a shoulder injury that required surgery, and

WHEREAS, a plastic surgeon repaired Lanard Maybin's facial laceration during his stay in the pediatric intensive care unit before he was discharged from the hospital on May 22, 2014, and

WHEREAS, since the accident, Lanard Maybin has experienced night terrors and changes in behavior and temperament, and has gained significant weight, and

WHEREAS, in early 2019, Dr. Patrick Gorman evaluated Lanard Maybin and diagnosed him as having posttraumatic stress disorder and significant neurocognitive difficulties secondary to traumatic brain injury, and

WHEREAS, Lanard Maybin's past medical bills amount to \$35,584.16, and Medicaid has asserted a lien in the amount of \$22,525.66, and

WHEREAS, at Shands Hospital, Denard Maybin, Jr., was intubated, was put on mechanical ventilation for a day, and was diagnosed with a severe traumatic brain injury and a subcutaneous soft tissue scalp laceration that required surgery, and

WHEREAS, Denard Maybin, Jr., remained hospitalized for 2 weeks before he was transferred to Brooks Rehabilitation Center for acute inpatient rehabilitation, and

WHEREAS, the rehabilitation center noted that Denard Maybin, Jr., had significant cognitive deficits as well as impulsivity and behavioral changes, and

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202280c1

WHEREAS, Denard Maybin, Jr., continues to receive occupational therapy, physical therapy, and speech therapy, and WHEREAS, the past medical bills of Denard Maybin, Jr., exceed \$175,000, and Medicaid has asserted a lien of \$96,833.99, and

WHEREAS, Dr. Kornberg has diagnosed Denard Maybin, Jr., with permanent impairment that will prevent him from achieving gainful employment, and

WHEREAS, Dr. Kornberg reported that Denard Maybin, Jr., is at a high risk for developing seizures in the future and that he is expected to be unable to live alone as an adult, necessitating guardianship and attendant care, and

WHEREAS, Dr. Shahnasarian has estimated future medical and palliative care needs of Denard Maybin, Jr., to be \$5,773,129, and his loss of earning capacity over his lifetime to be between \$1,568,817 and \$2,858,577, and

WHEREAS, Trooper Umana was an employee of the Florida Highway Patrol, a division of the Department of Highway Safety and Motor Vehicles, and

WHEREAS, Trooper Umana had a duty to use reasonable care to avoid accidents and injury to himself and others while driving his patrol vehicle, and

WHEREAS, Ms. Jones, as parent and natural guardian of Logan Grant, Denard Maybin, Jr., and Lanard Maybin, through a lawsuit filed in the Circuit Court of the Ninth Judicial Circuit in and for Orange County under case number 2017-CA-00732-O, alleged that the negligence of the Florida Highway Patrol, through its trooper, was the proximate cause of serious injuries to her minor sons, and

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



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WHEREAS, Ms. Jones, through a separate lawsuit filed in the Circuit Court of the Ninth Judicial Circuit in and for Orange County under case number 2018-CA-004258-O, alleged that the negligence of the Florida Highway Patrol, through its trooper, was the proximate cause of her own injuries, and

WHEREAS, on November 30, 2018, in case number 2017-CA-00732-O, Ms. Jones and the Florida Highway Patrol entered into a settlement agreement regarding the claims of Ms. Jones and her minor sons which arose out of the accident described in this act, including the claims under case number 2018-CA-004258-O, which are to be dismissed with prejudice, and

WHEREAS, Ms. Jones and the Florida Highway Patrol acknowledged that if the case had gone to trial, a jury could reasonably have awarded damages to Ms. Jones in the amount of \$18 million, and both parties agreed to a settlement in the amount of \$7.5 million, and

WHEREAS, the settlement agreement requires the Division of Risk Management of the Department of Financial Services to pay \$285,000 to Ms. Jones pursuant to the statutory limits of liability in s. 768.28, Florida Statutes, and

WHEREAS, Ms. Jones seeks satisfaction of the remaining balance of the settlement agreement, which is \$7.5 million, NOW, THEREFORE,

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

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

Section 2. The sum of \$7.5 million is appropriated from the

590-02246-22

202280c1

General Revenue Fund to the Department of Highway Safety and Motor Vehicles for the relief of Christeia Jones as compensation for injuries and damages sustained by her and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin.

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of Christeia Jones in the sum of \$7.5 million, minus payments required to satisfy outstanding Medicaid liens relating to the medical expenses and care of her and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin, upon funds of the Department of Highway Safety and Motor Vehicles in the State Treasury and to pay the same out of such funds in the State Treasury.

Section 4. The amount paid by the Division of Risk Management of the Department of Financial Services pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages sustained by Christeia Jones and her minor sons, Logan Grant, Denard Maybin, Jr., and Lanard Maybin. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amount awarded under this act.

Section 5. This act shall take effect upon becoming a law.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR DENNIS BAXLEY**

12th District

**COMMITTEES:**

Ethics and Elections, *Chair*  
*Appropriations*  
Appropriations Subcommittee on Criminal and Civil Justice  
Community Affairs  
Criminal Justice  
Health Policy  
Judiciary  
Rules

**JOINT COMMITTEE:**

Joint Legislative Auditing Committee, *Alternating Chair*

February 17, 2022

The Honorable Senator Kelli Stargel  
420 Senate Office Building  
Tallahassee, FL 32399

Dear Chair Stargel,

I would like to request that CS/CS/SB 80 Relief of Christeia Jones be heard in the next Appropriation Committee meeting.

Christeia Jones and her three children were in an automobile accident caused by a FHP officer causing serious injuries to her children and herself. Mrs. Jones was offered a \$17.712 settlement, which she had agreed to, pre-trial. We have amended this bill due to an agreed upon settlement in the amount of \$7,785,000 and instead of the funds coming out of General Revenue funds it will come from the Highway Safety Operating Trust Fund as instructed by the Appropriation staff here in the Senate.

The funds will cover the children's ongoing medical expenses and therapy.

I appreciate your favorable consideration.

Onward & Upward,

A handwritten signature in blue ink that reads "Dennis Baxley".

Senator Dennis Baxley  
Senate District 12

cc: Tim Sadberry, Staff Director

REPLY TO:

- ☐ 206 South Hwy 27/441, Lady Lake, Florida 32159 (352) 750-3133
- ☐ 315 SE 25th Avenue, Ocala, Florida 34471 (352) 789-6720
- ☐ 412 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

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

**Wilton Simpson**  
President of the Senate

**Aaron Bean**  
President Pro Tempore

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: PCS/SB 606 (271670)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Agriculture, Environment, and General Government); and Senator Garcia

SUBJECT: Boating Safety

DATE: February 8, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson/Carroll	Rogers	EN	<b>Favorable</b>
2.	Reagan	Betta	AEG	<b>Recommend: Fav/CS</b>
3.	Reagan	Sadberry	AP	<b>Pre-meeting</b>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 606 creates the “Boating Safety Act of 2022.”

Relating to liveries, the bill:

- Requires a no-cost, annual livery permit, effective January 1, 2023;
- Requires liveries to implement certain safety requirements; and
- Adds penalties for violations of livery requirements.

The bill increases or adds penalties for noncriminal infractions of vessel safety laws. It increases the additional civil penalty for noncriminal infractions of vessel laws from \$50 to \$100. It directs certain penalties to the Marine Resource Conservation Trust Fund to supplement law enforcement activities.

Relating to boating safety programs, the bill:

- Adds a \$500 fine for certain vessel operators;
- Requires the Florida Fish and Wildlife Conservation Commission (FWC) to maintain a program to ensure compliance with mandatory boating safety education requirements; and
- Creates the Illegal Boating Strike Team to enhance law enforcement activities.

The bill requires a physical residential or business address for vessel registration applicants, with a limited exception for live-aboard vessel owners.

The bill provides an appropriation of \$2 million in recurring funds from the General Revenue Fund to the FWC and authorizes seven positions with associated salary rate of \$322,763 for the Illegal Boating Strike Team. The bill also appropriates \$100,000 in recurring funds from the General Revenue Fund to the FWC and authorizes one position with associated salary rate of \$60,000, relating to ensuring compliance with mandatory boating safety education requirements. The bill also appropriates \$125,000 in nonrecurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC for the purpose of implementing the no-cost livery permitting requirement.

## **II. Present Situation:**

### **Fish and Wildlife Conservation Commission**

The Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.<sup>1</sup> The FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate.<sup>2</sup> Under Article IV, section 9 of the Florida Constitution, the FWC has the authority to exercise the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life.

Chapters 327 and 328, F.S., concerning vessel safety and vessel title certificates, liens, and registration, are enforced by the FWC's Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.<sup>3</sup> The Division of Law Enforcement manages the state's waterways to ensure boating safety for residents of and visitors to the state.<sup>4</sup> This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.<sup>5</sup>

### **Regulation of Liveries**

A livery vessel is defined as a vessel that is leased, rented, or chartered to another for consideration.<sup>6</sup> A livery may not knowingly lease, hire, or rent vessels:

- When the number of persons intending to use the vessel exceeds the number considered to constitute a maximum safety load for the vessel.

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<sup>1</sup> FLA. CONST. art. IV, s. 9.

<sup>2</sup> *Id.*; see also s. 379.102(1), F.S.

<sup>3</sup> Section 327.70(1), F.S.; see s. 943.10(1), F.S., which defines "law enforcement officer" as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

<sup>4</sup> Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Nov. 22, 2021).

<sup>5</sup> FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Nov. 22, 2021). See s. 327.70(1) and (4), F.S.

<sup>6</sup> Section 327.02(24), F.S.

- When the horsepower of the motor exceeds the capacity of the vessel.
- When the vessel does not contain required safety equipment.
- When the vessel is not seaworthy.
- When the vessel is equipped with a motor of 10 horsepower or greater, unless the livery provides required pre-rental or pre-ride instruction, which must be provided by a person who has successfully completed a National Association of State Boating Law Administrators and state-approved boater safety course.
- Unless the livery displays boating safety information in a place visible to the renting public.<sup>7</sup>

A livery also may not knowingly lease, hire, or rent:

- Vessels powered by a motor of 10 horsepower or greater to any person who is required to comply with boater safety education requirements, unless the person presents photographic identification and a valid boater safety identification card to the livery, or meets one of the listed exemptions.<sup>8</sup>
- Personal watercraft to persons under 18 years of age or who have not received instruction in the safe handling of personal watercraft and provided a written statement attesting to that fact.<sup>9</sup>
- Personal watercraft without a proper insurance policy.<sup>10</sup>

Liveries are required to notify the proper authorities if a leased, hired, or rented vessel is unnecessarily overdue.<sup>11</sup> Violations of livery regulations are a second-degree misdemeanor.<sup>12</sup>

### **Boating Infractions and Penalties**

Chapter 327, F.S., the “Florida Vessel Safety Law,” addresses boating violations.<sup>13</sup> The law imposes a statutory duty to assist other persons in a vessel collision or accident, provide information to any injured parties or the owner of damaged property, and provide notice to law enforcement of the accident.<sup>14</sup> Leaving the scene of an accident that resulted in personal injury is a third-degree felony, and leaving the scene of an accident that resulted in property damage is a second-degree misdemeanor.<sup>15</sup>

Section 327.73, F.S., sets forth the fines for noncriminal infractions of the Florida Vessel Safety Law. Unless otherwise specified, the civil penalty for a noncriminal infraction is \$50.<sup>16</sup> If a person fails to appear or respond to a uniform boating citation, he or she is charged with the offense of failing to respond to a citation. Upon conviction, such person will be guilty of a second-degree misdemeanor.<sup>17</sup> Noncriminal violations include operating with an expired

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<sup>7</sup> Section 327.54(1), F.S.

<sup>8</sup> Section 327.54(2), F.S.

<sup>9</sup> Section 327.54(4), F.S.

<sup>10</sup> Section 327.54(5), F.S.

<sup>11</sup> Section 327.54(3), F.S.

<sup>12</sup> Section 327.54(6), F.S.

<sup>13</sup> Section 327.01, F.S.

<sup>14</sup> Section 327.30(1), (2), and (3), F.S.

<sup>15</sup> Section 327.30, F.S.

<sup>16</sup> Section 327.73(1), F.S.

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

registration, operating without a registration, and failing to display the appropriate registration information.

Several noncriminal violations are subject to increased penalties for additional offenses. For example, for a violation of navigation rules that does not result in an accident or that results in an accident without serious bodily injury or death, there is a maximum penalty of:

- \$250 for a first offense;
- \$750 for a second offense; and
- \$1,000 for a third or subsequent offense.<sup>18</sup>

For violating a springs protection zone, or operating a vessel in a careless manner that causes seagrass scarring within an aquatic preserve, except the Lake Jackson, Ocklawaha River, Wekiva River, and Rainbow Springs aquatic preserves, the penalty is:

- \$50 for a first offense;
- \$250 for a second offense occurring within 12 months of a prior conviction;
- \$500 for a third offense occurring within 36 months of a prior conviction; and
- \$1,000 for a fourth or subsequent offense occurring within 72 months of a prior conviction.<sup>19</sup>

For anchoring in an anchoring limitation area and anchoring or mooring in a prohibited area, the penalty is:

- A maximum of \$50 for a first offense;
- A maximum of \$100 for a second offense; and
- A maximum of \$250 for a third or subsequent offense.<sup>20</sup>

For violating areas where vessels creating special hazards are operating, the penalty is:

- \$50 for a first offense;
- \$100 for a second offense occurring within 12 months of a prior offense; and
- \$250 for a third offense occurring within 36 months of a prior offense.<sup>21</sup>

### **Mandatory Education for Violators**

A person who is convicted of two non-criminal boating safety infractions within a 12-month period must enroll in, attend (in-person or online), and successfully complete a National Association of State Boating Law Administrators and state-approved boater education course.<sup>22</sup> The person must file proof of completion of the course with the FWC's Boating and Waterways Section within 90 days of the violation and is not permitted to operate a vessel until proof is filed.<sup>23</sup>

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<sup>18</sup> Section 327.73(o), F.S.

<sup>19</sup> Section 327.73(x) and (y), F.S.

<sup>20</sup> Section 327.73(z) and (bb), F.S.

<sup>21</sup> Section 327.73(cc), F.S.

<sup>22</sup> Section 327.731(1)(a), F.S.

<sup>23</sup> Section 327.731(1)(b) and (c), F.S.

A person who is convicted of a criminal boating violation or a noncriminal boating safety infraction that resulted in a boating accident must complete the boater education course,<sup>24</sup> as well as a separate course for violators. The provider of the course for violators automatically sends proof of completion electronically to the FWC.<sup>25</sup>

### **Marine Resources Conservation Trust Fund**

The Marine Resources Conservation Trust Fund (MRCTF) within the FWC serves as a broad-based depository for funds from various marine-related and boating-related activities.<sup>26</sup> The FWC can administer the trust fund for the following purposes:

- Marine research;
- Fishery enhancement;
- Marine law enforcement;
- Administration of licensing programs for recreational fishing, saltwater products sales, and related information and education activities;
- FWC operations;
- Titling and registration of vessels;
- Marine turtle protection, research, and recovery activities;
- Rehabilitation of oyster harvesting areas;
- Boating research, boating-related programs and activities, and law enforcement on state waters; and
- The stone crab trap reduction program, the blue crab effort management program, the spiny lobster trap certificate program, and the trap retrieval program.<sup>27</sup>

The MRCTF will receive the proceeds from:

- All license fees for purse seines, saltwater products, nets, special activities, Apalachicola Bay oyster harvesting, and wholesale and retail saltwater products dealers;
- All funds collected from vessel registration and other related fees;
- All fees related to the spiny lobster, blue crab, and black sea bass trap retrieval program; the tarpon license program; the stone crab take endorsement; the blue crab take endorsement; and the spiny lobster trap certificate program;
- All fines and penalties relating to take, harvest, or possession of certain marine life; use of illegal nets; violations involving certain finfish; and violations involving saltwater products; and
- Other revenues as provided by law.<sup>28</sup>

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<sup>24</sup> Section 327.731(1), F.S.; *see also* FWC, *Mandatory Boating Education*, <https://myfwc.com/boating/regulations/mandatory-boating-education/> (last visited Oct. 6, 2021).

<sup>25</sup> FWC, *Mandatory Boating Education*, <https://myfwc.com/boating/regulations/mandatory-boating-education/> (last visited Oct. 6, 2021).

<sup>26</sup> Section 379.208(1), F.S.

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

<sup>28</sup> Section 379.208(2), F.S.

## Vessel Titling and Registrations

All motorized vessels operating on Florida's public waterways must be titled and registered pursuant to ch. 328, F.S.<sup>29</sup> The Department of Highway Safety and Motor Vehicles (DHSMV) is responsible for issuing vessel registrations and titles.<sup>30</sup> Registration and title applications must be filed at a county tax collector or license plate agent office,<sup>31</sup> but the DHSMV is responsible for issuing vessel registrations.<sup>32</sup>

A purchaser of a new or used vessel has 30 days to title and register the vessel.<sup>33</sup> The required information for a vessel registration application includes: the owner's name and address; residency status; personal identification (a driver license or identification card) or business identification (a federal employer identification number or Florida state, city, or county business license or number); a complete description of the vessel; payment of the applicable fee; and proof of ownership of the vessel.<sup>34</sup> During the 30-day period before registration, the owner must carry proof of the date of purchase aboard the vessel.<sup>35</sup>

Every vessel operated, used, or stored on the waters of Florida must be registered unless it is:

- A vessel operated, used, and stored exclusively on private lakes and ponds;
- A vessel owned by the United States Government;
- A non-motor-powered vessel less than 16 feet in length;
- A federally documented vessel;
- A vessel already covered by a registration number awarded to it by another state or the U.S. Coast Guard, if the vessel is not located in this state for more than 90 consecutive days;
- A vessel from a country other than the United States, if the vessel is not located in this state for more than 90 days;
- An amphibious vessel for which a vehicle title is issued by the DHSMV;
- A vessel used solely for demonstration, testing, or sales promotional purposes by the manufacturer or dealer; or
- A vessel owned and operated by the state or a political subdivision thereof.<sup>36</sup>

No person may sell, assign, or transfer a vessel titled in the state without providing the purchaser or transferee a valid certificate of title with an assignment on it showing transfer of title to the purchaser or transferee.<sup>37</sup> The purchaser or transferee is required to file an application for a title transfer with the county tax collector within 30 days after a change in vessel ownership.<sup>38</sup> Unless

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<sup>29</sup> See s. 328.03, F.S. Certain vessels are not required to have a certificate of title, including, but not limited to, vessels used only on private lakes or ponds and vessels owned by the U.S. Government or a state or political subdivision thereof.

<sup>30</sup> Section 328.40, F.S.

<sup>31</sup> Section 328.48(1)(a), F.S.

<sup>32</sup> Section 328.48(3), F.S.

<sup>33</sup> Section 328.46(1), F.S.

<sup>34</sup> Section 328.48(1), F.S.

<sup>35</sup> Section 328.46(1), F.S.

<sup>36</sup> Section 328.48(2), F.S.

<sup>37</sup> Section 328.03(3), F.S.

<sup>38</sup> *Id.*



specified otherwise, a person who fails to meet titling and registration requirements is guilty of a second degree misdemeanor.<sup>39</sup>

### **Wildlife Alert**

The Wildlife Alert Reward Association, Inc. (Wildlife Alert) is a 501(c)(3) non-profit organization created in 1979 that allows citizens to report known or suspected violations of Florida's fish, wildlife, environmental, and boating laws, and encourages citizen involvement in conservation and protection.<sup>40</sup> In 2014, Wildlife Alert and the FWC signed a letter of agreement recognizing Wildlife Alert as an FWC Citizen Support Organization.<sup>41</sup> Reporters who know or suspect a violation of Florida's fish, wildlife, environmental, or boating laws may call, text, or file an online report. They may be asked to provide information about the physical descriptions of violators and vehicles, license tag numbers, locations, and other pertinent information. Reporters may remain anonymous. The Wildlife Alert program offers rewards in exchange for information that leads to the arrest of poachers or other violators.<sup>42</sup>

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

**Section 1** names this act the "Boating Safety Act of 2022."

**Section 2** amends s. 327.30, F.S., to create an additional fine of up to \$1,000 for a violation of the vessel collision and accident laws, or any associated rule or order of the Fish and Wildlife Conservation Commission (FWC). A conviction is any judicial disposition other than acquittal or dismissal. Money from the additional fines shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund (MRCTF) to enhance law enforcement activities relating to boating infractions.

**Section 3** amends s. 327.54, F.S., to revise existing requirements for liveries. The bill defines the term "conviction" as any judicial disposition other than acquittal or dismissal. It defines "livery" as a person who offers a vessel for use by another in exchange for any type of consideration when such person does not also provide the lessee or renter with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. A vessel rented or leased by a livery is a livery vessel. The bill defines "seaworthy" to mean a vessel whose parts and equipment, including, but not limited to, engines, bilge pumps, and kill switches, are functional and reasonably fit for their intended purpose.

The bill provides that, effective January 1, 2023, a livery must obtain a no-cost annual livery permit from the FWC. To qualify for the permit, an applicant must:

- Provide the FWC with a list of vessels offered by the livery for lease or rent by another;
- Have a sufficient amount of U.S. Coast Guard-approved lawful personal flotation devices on site to accommodate the capacity of all vessels offered by the livery for lease or rent by another;

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<sup>39</sup> Section 328.21, F.S.

<sup>40</sup> FWC, *Wildlife Alert* (2014), available at <https://myfwc.com/media/4539/wildlife-alert.pdf> (last visited Nov. 22, 2021).

<sup>41</sup> FWC, *Wildlife Alert Reward Program* (2020), available at [https://flmtph.myfwc.com/media/19135/10\\_travis\\_wildlife-alert-pp-2020-mstm.pdf](https://flmtph.myfwc.com/media/19135/10_travis_wildlife-alert-pp-2020-mstm.pdf) (last visited Nov. 22, 2021).

<sup>42</sup> *Id.*

- Have on site all safety equipment required by the U.S. Coast Guard to equip all vessels offered by the livery for rent or lease by another; and
- Display boating safety information in a place visible to the renting public.

If the information required to qualify for a permit changes before the annual renewal of the permit, the livery must provide the FWC with the updated information within 10 days after the change. The bill authorizes the FWC to adopt rules to implement the no-cost livery permit program. A violation of the permit requirement is a misdemeanor of the first degree.

The bill prevents a livery from knowingly leasing or renting a derelict vessel or a vessel at risk of becoming derelict.

The bill removes the prohibition that a livery cannot knowingly lease or rent a vessel to any person if it is equipped with a motor of 10 horsepower or greater unless the livery provides pre-rental or pre-ride instruction. Instead, pre-rental or pre-ride instruction must be in compliance with rules established by the FWC. The bill provides that instruction on local characteristics of the waterway where the vessel will be operated includes navigational hazards, boating-restricted areas, and water depths, as well as emergency procedures such as appropriate responses to capsizing, falls overboard, taking on water, and vessel accidents. The bill reorganizes language requiring the person delivering this information to have successfully completed a boater safety course.

The bill adds that a livery may not knowingly lease or rent a vessel to any person unless the livery has a written agreement with the renter or lessee. The livery must maintain each agreement for no less than one year and must make it available for inspection by law enforcement upon request. The written agreement must include:

- The names, addresses, and dates of birth of all persons who will be aboard the vessel;
- The time the vessel must be returned to the livery or other specified location; and
- An emergency contact name, address, and telephone number.

A livery may not knowingly lease or rent a vessel to any person who is required to have photographic identification and a boating safety card or certificate, unless the person presents the required documentation for the operation of a vessel or is exempt from the requirement.

The following requirements, which currently apply to “personal watercraft,” are broadened to apply to “vessels”:<sup>43</sup>

- A livery may not knowingly lease or rent a vessel to any person under 18 years of age.
- A livery may not knowingly lease or rent a vessel to any person unless the livery first obtains a policy from a licensed insurance carrier in Florida, which insures the livery and renter against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the vessel. The policy must provide coverage of at least \$500,000 per

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<sup>43</sup> A “personal watercraft” is a vessel 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel. Section 327.02(36), F.S. A “vessel” includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. Section 327.02(47), F.S.

person and \$1 million per event. The livery and renter must have proof of insurance available for inspection at the location where the vessels are being leased or rented or offered for lease or rent. The livery shall provide the insurance carrier's name and address and the insurance policy number to each renter.

- The bill requires a person who receives instruction regarding the safe operation of vessels or pre-rental or pre-ride instruction to provide the livery with a signed form attesting to each component of the instruction. The FWC shall establish the form's content by rule. The bill also requires that the form be signed by the individual providing instruction, and the livery shall maintain the form for no less than 90 days and make the form available for inspection by law enforcement upon request.

The bill clarifies that if a vessel rented or leased by a livery is unnecessarily overdue more than one hour after the contracted rental time has expired, then the livery must notify law enforcement and the U.S. Coast Guard.

The bill requires that a livery must report an accident resulting in bodily injury, death, or disappearance of any person, or damage to any vessel or other property in an apparent aggregate amount of at least \$2,000 when the operator is incapable of making a report.

The bill provides that a livery shall make its facilities and records available for inspection within 24 hours of notice by law enforcement.

The bill provides penalties for violations of the livery requirements:

- A person who violates one or more statutory requirements for liveries, but not the no-cost livery permit requirement, and who has not been convicted of a violation of the livery requirements in the past three years, commits a misdemeanor of the second degree and may face imprisonment of no more than 60 days and/or a fine of no more than \$500.
- If the violation has occurred within three years after a previous conviction, the person commits a misdemeanor of the first degree and may face imprisonment of no more than one year and/or a fine of no more than \$1,000. There is an additional minimum mandatory fine of \$500.
- If the person commits another violation within five years after two previous convictions for violations of the livery requirements, the person commits a misdemeanor of the first degree and may face imprisonment of no more than one year and/or a fine of no more than \$1,000. There is an additional minimum mandatory fine of \$1,000.
- A person who commits more than one violation of the livery requirements, but not the no-cost livery permit requirement, within a three year period may not act as a livery during a 90-day period immediately after being charged. Effective January 1, 2023, the FWC may revoke or refuse to issue a no-cost livery permit based on repeated violations of the livery requirements.

**Section 4** amends s. 327.73, F.S., to increase the following penalties for noncriminal infractions:

- The maximum fine for an owner or operator of a vessel with an expired registration of six months or less is increased from \$50 to \$100 for a first and subsequent offense.

- The maximum fine for violating the navigation rules in a way that is not reckless and does not result in an accident, or results in an accident that does not cause serious bodily injury or death:
  - Is increased from \$250 to \$500 for a first offense.
  - Is increased from \$750 to \$1,000 for a second offense.
  - Is increased from \$1,000 to \$1,500 for a third or subsequent offense.
- The fine for operating a vessel outside a lawfully marked channel in a careless manner that causes seagrass scarring within an aquatic preserve, except the Lake Jackson, Ocklawaha River, Wekiva River, and Rainbow Springs aquatic preserves, is increased from \$50 to \$100 for a first offense.
- The fine for operating a vessel in violation of a springs protection zone is increased from \$50 to \$100 for a first offense.
- The maximum fine for anchoring a vessel in an anchoring limitation area:
  - Is increased from \$50 to \$100 for a first offense;
  - Is increased from \$100 to \$250 for a second offense; and
  - Is increased from \$250 to \$500 for a third or subsequent offense.
- The fine for violating an area where vessels creating a special hazard are operating:
  - Is increased from \$50 to \$100 for a first offense;
  - Is increased from \$100 to \$250 for a second offense occurring within 12 months after a prior offense; and
  - Is increased from \$250 to \$500 for a third offense occurring within 36 months after a prior offense.
- The maximum civil penalty for noncriminal violations of vessel laws is increased from \$50 to \$100, except as otherwise provided.

The bill adds the following penalties for noncriminal infractions:

- The maximum fine for improper transfer of vessel title is \$500.
- The maximum fine for failure to update vessel registration information is \$500.

The bill adds law enforcement purposes to the uses of fees and civil penalties collected pursuant to this section.

**Section 5** amends s. 327.731, F.S., relating to mandatory education for violators. The bill adds a fine of \$500 to the list of requirements that are triggered if a person is:

- Convicted of a criminal violation under ch. 327, F.S. (relating to vessel safety);
- Convicted of a noncriminal infraction under ch. 327, F.S., if it resulted in a reportable boating accident; or
- Convicted of two noncriminal infractions of vessel laws, if the infractions occurred within a 12-month period. These infractions relate to:
  - Careless operation;
  - Waterskiing, aquaplaning, parasailing, and similar activities;
  - Interfering with navigation;
  - Violating boating-restricted areas and speed limits;
  - Required safety equipment, lights, and shapes;
  - Violating navigation rules in a way that does not result in an accident, or that results in an accident not causing serious bodily injury or death;

- Personal watercraft;
- Boater safety education;
- Operating overloaded or overpowered vessels;
- Divers-down warning devices;
- Adequate mufflers on airboats;
- Displaying a flag on an airboat;
- Carelessly causing seagrass scarring; and
- Violating springs protection zones.

The clerk of the court shall remit the fines to be deposited into the MRCTF to support law enforcement activities.

The bill requires the FWC to maintain a program to ensure compliance with mandatory boating safety education requirements. The program must track any citation resulting in a conviction under this section and send notices to each person subject to the requirement for mandatory boating safety education.

**Section 6** amends s. 328.03, F.S., to provide that any person who does not properly transfer title of a vessel is subject to a maximum penalty of \$500.

**Section 7** amends s. 328.03, F.S., as amended by chapter 2019-76, Laws of Florida, to provide that any person who does not properly transfer title of a vessel is subject to a maximum penalty of \$500. This amendment is effective July 1, 2023.

**Section 8** amends s. 328.48, F.S., to add language requiring a vessel owner to provide a physical residential or business address when filing an application for vessel registration. The bill allows the FWC to authorize a live-aboard vessel owner to provide a post office box address in lieu of a physical residential or business address.

The bill adds language requiring a vessel owner's physical residential or business address on each certificate of registration issued.

The bill provides that a person who does not update his or her vessel registration information with the county tax collector within six months after a change to the information will be subject to a maximum penalty of \$500.

**Section 9** creates the Illegal Boating Strike Team. To this end, the bill appropriates \$2 million in recurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC and authorizes seven positions with associated salary rate of 322,763. The Illegal Boating Strike Team will coordinate law enforcement at the federal, state, and local levels to increase public safety and decrease boating accidents, injuries, fatalities, and criminal activity. In areas where illegal charters and illegal liveries are found to be operating, the strike team shall do all of the following:

- Enhance law enforcement activities by increasing intergovernmental coordination to address any criminal conduct or safety violation, taxes and fees, and licensure regulations by such charter and livery operations;
- Address unsafe customer pick-ups and drop-offs;

- Improve signage and set appropriate speed limits in waterways;
- Ensure correct and current information is used for vessel registration;
- Publicize existing reporting systems and use social media to encourage citizens to report illegal activities; and
- Develop educational campaigns to address and deter illegal charter operations, illegal livery operations, boating under the influence, and related public safety issues, and to encourage the reporting of boating violations.

**Section 10** appropriates \$100,000 in recurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC and authorizes one position with associated salary rate of \$60,000 to implement the amendment made to s. 327.731, F.S., by this act, relating to ensuring compliance with mandatory boating safety education requirements.

**Section 11** appropriates \$125,000 in nonrecurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC for the purpose of implementing the no-cost livery permitting requirement in s. 327.54(2), F.S.

**Section 12** provides that except as otherwise expressly provided, the effective date is July 1, 2022.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Increased boating penalties are expected to have a positive fiscal impact to the state. The bill appropriates \$2 million in recurring funds from the General Revenue Fund to the Fish and Wildlife Conservation Commission (FWC) and authorizes seven positions with associated salary rate of 322,763 for the Illegal Boating Strike Team. The bill also appropriates \$100,000 in recurring funds from the General Revenue Fund to the FWC and authorizes one position with associated salary rate of \$60,000, relating to ensuring compliance with mandatory boating safety education requirements. The bill also appropriates \$125,000 in nonrecurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC for the purpose of implementing the no-cost livery permitting requirement.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill provides that violators of s. 327.30, F.S., (relating to vessel collisions, accidents, and casualties) may be ordered to pay an additional fine of up to \$1,000, which must be deposited into the Marine Resources Conservation Trust Fund (MRCTF).<sup>44</sup> However, the bill does not state who is responsible for ensuring the additional fine is deposited in the MRCTF.<sup>45</sup>

The Department of Revenue recommends the following replacement language for Line 73 of the bill: “\$1,000 per violation. All fines assessed and collected pursuant to this subsection shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine.”<sup>46</sup>

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 327.30, 327.54, 327.73, 327.731, 328.03, and 328.48.

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<sup>44</sup> Department of Revenue, *2022 Agency Legislative Bill Analysis* (Nov. 4, 2021) (on file with the Senate Committee on Environment and Natural Resources).

<sup>45</sup> *Id.*

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

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

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

**PCS (271670) by Appropriations Committee (Recommended by Appropriations Subcommittee on Agriculture, Environment, and General Government):**

The committee substitute:

- Clarifies that the insurance policies purchased by a livery must cover both the livery and renter;
- Allows for the FWC to accept a P.O. Box address instead of a physical residential or business address for live-aboard vessel registration applications in certain cases; and
- Clarifies the clerk of the court shall remit all fines assessed and collected to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund.

**B. Amendments:**

None.





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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/22/2022	.	
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The Committee on Appropriations (Garcia) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 87 - 265  
and insert:

(b) "Livery" means a person who advertises and offers a vessel for use by another in exchange for any type of consideration when such person does not also provide the lessee or renter with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel.  
The owner of a vessel who does not advertise his or her vessel



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11 for use by another for consideration and who loans or offers his  
12 or her vessel for use to another known to him or her either for  
13 consideration or without consideration is not a livery. A vessel  
14 rented or leased by a livery is a livery vessel as defined in s.  
15 327.02.

16 (c) "Seaworthy" means the vessel and all of its parts and  
17 equipment, including, but not limited to, engines, bilge pumps,  
18 and kill switches, are functional and reasonably fit for their  
19 intended purpose.

20 (2) Beginning on January 1, 2023, a livery may not offer a  
21 vessel for lease or rent without first being issued a no-cost  
22 livery permit by the commission. The permit must be renewed  
23 annually. To qualify for issuance or renewal of a livery permit,  
24 an applicant must provide the commission with a list of all  
25 vessels offered by the livery for lease or rent by another, have  
26 valid insurance pursuant to subsection (7), have an amount of  
27 United States Coast Guard-approved lawful personal floatation  
28 devices on site sufficient to accommodate the capacity of all  
29 vessels offered by the livery for rent or lease by another, have  
30 on site all safety equipment required by s. 327.50 and the Code  
31 of Federal Regulations sufficient to equip all vessels offered  
32 by the livery for rent or lease by another, and display the  
33 information required by paragraph (3)(f). If, before the annual  
34 renewal of the permit, the information required by this  
35 subsection changes, the livery must provide the commission with  
36 the updated information within 10 days after the change.

37 (a) The commission may adopt rules to implement this  
38 subsection.

39 (b) A person who violates this subsection commits a



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40 misdemeanor of the first degree, punishable as provided in s.  
41 775.082 or s. 775.083.

42 (3) A livery may not knowingly lease, ~~hire,~~ or rent a  
43 vessel to any person:

44 (a) When the number of persons intending to use the vessel  
45 exceeds the number considered to constitute a maximum safety  
46 load for the vessel as specified on the authorized persons  
47 capacity plate of the vessel.

48 (b) When the horsepower of the motor exceeds the capacity  
49 of the vessel.

50 (c) When the vessel does not contain the ~~required~~ safety  
51 equipment required under s. 327.50.

52 (d) When the vessel is not seaworthy, is a derelict vessel  
53 as defined in s. 823.11, or is at risk of becoming derelict as  
54 provided in s. 327.4107.

55 (e) ~~When the vessel is equipped with a motor of 10~~  
56 ~~horsepower or greater,~~ Unless the livery provides pre-rental  
57 ~~prerental~~ or pre-ride ~~preride~~ instruction in compliance with  
58 rules established by the commission.

59 1. The instruction must include ~~that includes,~~ but need not  
60 be limited to:

61 a.1. Operational characteristics of the vessel to be  
62 rented.

63 b.2. Safe vessel operation and vessel right-of-way.

64 c.3. The responsibility of the vessel operator for the safe  
65 and proper operation of the vessel.

66 d.4. Local characteristics of the waterway where the vessel  
67 will be operated, such as navigational hazards, the presence of  
68 boating-restricted areas, and water depths.



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e. Emergency procedures, such as appropriate responses to capsizing, falls overboard, taking on water, and vessel accidents.

2. Any person receiving instruction in the safe handling of livery vessels pursuant to this paragraph must provide the livery with a written statement attesting to each component of the instruction.

a. The commission shall establish by rule the content of the statement form.

b. The statement form must be signed by the individual providing the instruction.

c. The livery shall maintain the statement form for no less than 90 days and, upon request, make the form available for inspection by law enforcement.

~~Any person delivering the information specified in this paragraph must have successfully completed a boater safety course approved by the National Association of State Boating Law Administrators and this state.~~

(f) Unless the livery displays boating safety information in a place visible to the renting public. The commission shall prescribe by rule, pursuant to chapter 120, the contents and size of the boating safety information to be displayed.

(g) Unless the livery has a written agreement with the renter or lessee. The written agreement must include a passenger manifest, as well as the time the vessel is required to be returned to the livery or another specified location and an emergency contact name, address, and telephone number. The livery shall maintain each agreement for no less than 1 year



306914

and, upon request, make each agreement available for inspection by law enforcement. Unless the livery knowingly omits a vessel passenger from the passenger manifest, the livery may not be held criminally or civilly liable for the action or inaction of a passenger who is not listed and who the livery is unaware is on the vessel, and the livery's insurance is not responsible for covering injury to the unlisted passenger or for damages caused to another by the unlisted passenger.

~~(4)(2)~~ A livery may not knowingly lease, ~~hire,~~ or rent a vessel to a person who is required to comply with s. 327.395 unless such person presents to the livery the documentation required by s. 327.395(2) for the operation of a vessel or meets the exemption provided under s. 327.395(6)(f).

~~(5)(3)~~ If a vessel rented or leased by a livery is unnecessarily overdue more than 1 hour after the contracted vessel rental time has expired, the livery must ~~shall~~ notify law enforcement and the United States Coast Guard ~~the proper~~ authorities.

~~(6)(4)(a)~~ A livery may not knowingly lease, ~~hire,~~ or rent a livery vessel ~~personal watercraft~~ to any person who is under 18 years of age.

~~(b)~~ ~~A livery may not knowingly lease, hire, or rent a personal watercraft to any person who has not received instruction in the safe handling of personal watercraft, in compliance with rules established by the commission pursuant to chapter 120.~~

~~(c)~~ ~~Any person receiving instruction in the safe handling of personal watercraft pursuant to a program established by rule of the commission must provide the livery with a written~~



306914

~~statement attesting to the same.~~

~~(7)(5)~~ A livery may not lease, ~~hire~~, or rent any livery vessel ~~personal watercraft~~ or offer to lease, ~~hire~~, or rent any livery vessel ~~personal watercraft~~ unless the livery first obtains and carries in full force and effect a policy from a licensed insurance carrier in this state, insuring against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the livery vessel ~~personal watercraft~~. The insurance policy must ~~shall~~ provide coverage of at least \$500,000 per person and \$1 million per event. The livery shall ~~must~~ have proof of such insurance available for inspection at the location where livery vessels ~~personal watercraft~~ are being leased, ~~hired~~, or rented, or offered for lease, ~~hire~~, or rent, and shall provide to each renter the insurance carrier's name and address and the insurance policy number.

(8) Notwithstanding the person's age or any exemptions provided in s. 327.395, any person delivering instruction regarding the safe operation of vessels or pre-rental or pre-ride instruction in accordance with subsection (3) must have successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators and this state.

(9) If a vessel rented or leased by a livery is involved in an accident, the livery must report the accident to the division.

(10) A livery shall make its facilities and records available for inspection upon request by law enforcement no later than 24 hours after receiving notice from law enforcement.



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(11) (a) ~~(6)~~ Any person convicted of violating this section, other than subsection (2), who has not been convicted of a violation of this section within the past 3 years commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Unless the stricter penalties in paragraph (c) apply, a person who violates this section, other than subsection (2), within 3 years after a previous conviction of a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$500.

(c) A person who violates this section, other than subsection (2), within 5 years after two previous convictions for a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$1,000.

(12) A person who commits more than one violation of this section, other than subsection (2), within a 3-year period may not act as a livery during a 90-day period immediately after being charged with that violation. Beginning January 1, 2023, the commission may revoke or refuse to issue a permit under subsection (2) based on repeated violations of this section.

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

And the title is amended as follows:

Delete lines 17 - 21

and insert:

requiring a person receiving safety instruction to  
provide the livery with a specified signed



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185        attestation; requiring a written agreement between a  
186        livery and a renter or lessee; providing requirements  
187        for such agreement; providing that a livery or the  
188        livery's insurance is not liable for the action or  
189        inaction of certain passengers; requiring specified  
190        boating safety education courses for certain  
191        instructors; requiring liveries to report certain  
192        accidents to the Division of Law Enforcement of the  
193        commission; requiring





737178

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/22/2022	.	
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The Committee on Appropriations (Garcia) recommended the following:

**Senate Substitute for Amendment (306914) (with title amendment)**

Delete lines 87 - 265  
and insert:

(b) "Livery" means a person who advertises and offers a vessel for use by another in exchange for any type of consideration when such person does not also provide the lessee or renter with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel.



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The owner of a vessel who does not advertise his or her vessel for use by another for consideration and who loans or offers his or her vessel for use to another known to him or her either for consideration or without consideration is not a livery. A vessel rented or leased by a livery is a livery vessel as defined in s. 327.02.

(c) "Seaworthy" means the vessel and all of its parts and equipment, including, but not limited to, engines, bilge pumps, and kill switches, are functional and reasonably fit for their intended purpose.

(2) Beginning on January 1, 2023, a livery may not offer a vessel for lease or rent without first being issued a no-cost livery permit by the commission. The permit must be renewed annually. To qualify for issuance or renewal of a livery permit, an applicant must provide the commission with a list of all vessels offered by the livery for lease or rent by another, have valid insurance pursuant to subsection (7), have an amount of United States Coast Guard-approved lawful personal floatation devices on site sufficient to accommodate the capacity of all vessels offered by the livery for rent or lease by another, have on site all safety equipment required by s. 327.50 and the Code of Federal Regulations sufficient to equip all vessels offered by the livery for rent or lease by another, and display the information required by paragraph (3)(f). If, before the annual renewal of the permit, the information required by this subsection changes, the livery must provide the commission with the updated information within 10 days after the change.

(a) The commission may adopt rules to implement this subsection.



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

(3) A livery may not knowingly lease, ~~hire,~~ or rent a vessel to any person:

(a) When the number of persons intending to use the vessel exceeds the number considered to constitute a maximum safety load for the vessel as specified on the authorized persons capacity plate of the vessel.

(b) When the horsepower of the motor exceeds the capacity of the vessel.

(c) When the vessel does not contain the ~~required~~ safety equipment required under s. 327.50.

(d) When the vessel is not seaworthy, is a derelict vessel as defined in s. 823.11, or is at risk of becoming derelict as provided in s. 327.4107.

(e) ~~When the vessel is equipped with a motor of 10 horsepower or greater,~~ Unless the livery provides pre-rental ~~prerental~~ or pre-ride ~~preride~~ instruction in compliance with rules established by the commission.

1. The instruction must include ~~that includes,~~ but need not be limited to:

a.1. ~~Operational characteristics of the vessel to be rented.~~

b.2. Safe vessel operation and vessel right-of-way.

c.3. The responsibility of the vessel operator for the safe and proper operation of the vessel.

d.4. Local characteristics of the waterway where the vessel will be operated, such as navigational hazards, the presence of



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boating-restricted areas, and water depths.

e. Emergency procedures, such as appropriate responses to capsizing, falls overboard, taking on water, and vessel accidents.

2. Any person receiving instruction in the safe handling of livery vessels pursuant to this paragraph must provide the livery with a written statement attesting to each component of the instruction.

a. The commission shall establish by rule the content of the statement form.

b. The statement form must be signed by the individual providing the instruction.

c. The livery shall maintain the statement form for no less than 90 days and, upon request, make the form available for inspection by law enforcement.

~~Any person delivering the information specified in this paragraph must have successfully completed a boater safety course approved by the National Association of State Boating Law Administrators and this state.~~

(f) Unless the livery displays boating safety information in a place visible to the renting public. The commission shall prescribe by rule, pursuant to chapter 120, the contents and size of the boating safety information to be displayed.

(g) Unless the livery has a written agreement with the renter or lessee. The written agreement must include a passenger manifest, as well as the time the vessel is required to be returned to the livery or another specified location and an emergency contact name, address, and telephone number. The



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livery shall maintain each agreement for no less than 1 year  
and, upon request, make each agreement available for inspection  
by law enforcement.

~~(4)(2)~~ A livery may not knowingly lease, ~~hire~~, or rent a  
vessel to a person who is required to comply with s. 327.395  
unless such person presents to the livery the documentation  
required by s. 327.395(2) for the operation of a vessel or meets  
the exemption provided under s. 327.395(6)(f).

~~(5)(3)~~ If a vessel rented or leased by a livery is  
unnecessarily overdue more than 1 hour after the contracted  
vessel rental time has expired, the livery must ~~shall~~ notify law  
enforcement and the United States Coast Guard ~~the proper~~  
~~authorities~~.

~~(6)(4)(a)~~ A livery may not knowingly lease, ~~hire~~, or rent a  
livery vessel ~~personal watercraft~~ to any person who is under 18  
years of age.

~~(b)~~ A livery may not knowingly lease, ~~hire~~, or rent a  
~~personal watercraft to any person who has not received~~  
~~instruction in the safe handling of personal watercraft, in~~  
~~compliance with rules established by the commission pursuant to~~  
~~chapter 120.~~

~~(c)~~ Any person receiving instruction in the safe handling  
of personal watercraft pursuant to a program established by rule  
of the commission must provide the livery with a written  
statement attesting to the same.

~~(7)(5)~~ A livery may not lease, ~~hire~~, or rent any livery  
vessel ~~personal watercraft~~ or offer to lease, ~~hire~~, or rent any  
livery vessel ~~personal watercraft~~ unless the livery first  
obtains and carries in full force and effect a policy from a



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licensed insurance carrier in this state which insures the  
livery and the renter, ~~insuring~~ against any accident, loss,  
injury, property damage, or other casualty caused by or  
resulting from the operation of the livery vessel ~~personal~~  
~~watercraft~~. The insurance policy must ~~shall~~ provide coverage of  
at least \$500,000 per person and \$1 million per event. The  
livery shall ~~must~~ have proof of such insurance available for  
inspection at the location where livery vessels ~~personal~~  
~~watercraft~~ are being leased, ~~hired~~, or rented, or offered for  
lease, ~~hire~~, or rent, and shall provide to each renter the  
insurance carrier's name and address and the insurance policy  
number.

(8) Notwithstanding the person's age or any exemptions  
provided in s. 327.395, any person delivering instruction  
regarding the safe operation of vessels or pre-rental or pre-  
ride instruction in accordance with subsection (3) must have  
successfully completed a boating safety education course  
approved by the National Association of State Boating Law  
Administrators and this state.

(9) If a vessel rented or leased by a livery is involved in  
an accident, the livery must report the accident to the  
division.

(10) A livery shall make its facilities and records  
available for inspection upon request by law enforcement no  
later than 24 hours after receiving notice from law enforcement.

(11) (a) ~~(6)~~ Any person convicted of violating this section,  
other than subsection (2), who has not been convicted of a  
violation of this section within the past 3 years commits a  
misdemeanor of the second degree, punishable as provided in s.



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775.082 or s. 775.083.

(b) Unless the stricter penalties in paragraph (c) apply, a person who violates this section, other than subsection (2), within 3 years after a previous conviction of a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$500.

(c) A person who violates this section, other than subsection (2), within 5 years after two previous convictions for a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$1,000.

(12) A person who commits more than one violation of this section, other than subsection (2), within a 3-year period may not act as a livery during a 90-day period immediately after being charged with that violation. Beginning January 1, 2023, the commission may revoke or refuse to issue a permit under subsection (2) based on repeated violations of this section.

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

And the title is amended as follows:

Delete lines 17 - 21

and insert:

requiring a person receiving safety instruction to provide the livery with a specified signed attestation; requiring a written agreement between a livery and a renter or lessee; providing requirements for such agreement; requiring specified boating safety education courses for certain instructors; requiring



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185        liveries to report certain accidents to the Division  
186        of Law Enforcement of the commission; requiring





140832

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2022	.	
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The Committee on Appropriations (Garcia) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 66 - 265

and insert:

Section 2. Subsection (24) of section 327.02, Florida Statutes, is amended to read

327.02 Definitions.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(24) "Livery vessel" means a vessel leased, rented, or



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11 chartered to another for consideration. A livery vessel does not  
12 include a human-powered vessel.

13 Section 3. Subsection (7) is added to section 327.30,  
14 Florida Statutes, to read:

15 327.30 Collisions, accidents, and casualties.—

16 (7) In addition to any other penalty provided by law, a  
17 court may order a person convicted of a violation of this  
18 section or of any rule adopted or order issued by the commission  
19 pursuant to this section to pay an additional fine of up to  
20 \$1,000 per violation. All fines assessed and collected pursuant  
21 to this subsection shall be remitted by the clerk of the court  
22 to the Department of Revenue to be deposited into the Marine  
23 Resources Conservation Trust Fund to be used to enhance state  
24 and local law enforcement activities related to boating  
25 infractions. As used in this subsection, the terms "convicted"  
26 and "conviction" mean any judicial disposition other than  
27 acquittal or dismissal.

28 Section 4. Section 327.54, Florida Statutes, is amended to  
29 read:

30 327.54 Liveries; safety regulations; penalty.—

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

32 (a) "Conviction" means any judicial disposition other than  
33 acquittal or dismissal.

34 (b) "Livery" means a person who advertises and offers a  
35 livery vessel for use by another in exchange for any type of  
36 consideration when such person does not also provide the lessee  
37 or renter with a captain, a crew, or any type of staff or  
38 personnel to operate, oversee, maintain, or manage the vessel.  
39 The owner of a vessel who does not advertise his or her vessel



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for use by another for consideration and who loans or offers his or her vessel for use to another known to him or her either for consideration or without consideration is not a livery. A vessel rented or leased by a livery is a livery vessel as defined in s. 327.02.

(c) "Seaworthy" means the vessel and all of its parts and equipment, including, but not limited to, engines, bilge pumps, and kill switches, are functional and reasonably fit for their intended purpose.

(2) Beginning on January 1, 2023, a livery may not offer a vessel for lease or rent without first being issued a no-cost livery permit by the commission. The permit must be renewed annually. To qualify for issuance or renewal of a livery permit, an applicant must provide the commission with a list of all vessels offered by the livery for lease or rent by another, have valid insurance pursuant to subsection (7), have an amount of United States Coast Guard-approved lawful personal floatation devices on site sufficient to accommodate the capacity of all vessels offered by the livery for rent or lease by another, have on site all safety equipment required by s. 327.50 and the Code of Federal Regulations sufficient to equip all vessels offered by the livery for rent or lease by another, and display the information required by paragraph (3)(f). If, before the annual renewal of the permit, the information required by this subsection changes, the livery must provide the commission with the updated information within 10 days after the change.

(a) The commission may adopt rules to implement this subsection.

(b) A person who violates this subsection commits a



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69 misdemeanor of the first degree, punishable as provided in s.  
70 775.082 or s. 775.083.

71 (3) A livery may not knowingly lease, ~~hire,~~ or rent a  
72 vessel to any person:

73 (a) When the number of persons intending to use the vessel  
74 exceeds the number considered to constitute a maximum safety  
75 load for the vessel as specified on the authorized persons  
76 capacity plate of the vessel.

77 (b) When the horsepower of the motor exceeds the capacity  
78 of the vessel.

79 (c) When the vessel does not contain the ~~required~~ safety  
80 equipment required under s. 327.50.

81 (d) When the vessel is not seaworthy, is a derelict vessel  
82 as defined in s. 823.11, or is at risk of becoming derelict as  
83 provided in s. 327.4107.

84 (e) ~~When the vessel is equipped with a motor of 10~~  
85 ~~horsepower or greater,~~ Unless the livery provides pre-rental  
86 ~~prerental~~ or pre-ride ~~preride~~ instruction in compliance with  
87 rules established by the commission.

88 1. The instruction must include ~~that includes,~~ but need not  
89 be limited to:

90 a.1. Operational characteristics of the vessel to be  
91 rented.

92 b.2. Safe vessel operation and vessel right-of-way.

93 c.3. The responsibility of the vessel operator for the safe  
94 and proper operation of the vessel.

95 d.4. Local characteristics of the waterway where the vessel  
96 will be operated, such as navigational hazards, the presence of  
97 boating-restricted areas, and water depths.



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98        e. Emergency procedures, such as appropriate responses to  
99 capsizing, falls overboard, taking on water, and vessel  
100 accidents.

101        2. Any person receiving instruction in the safe handling of  
102 livery vessels pursuant to this paragraph must provide the  
103 livery with a written statement attesting to each component of  
104 the instruction.

105        a. The commission shall establish by rule the content of  
106 the statement form.

107        b. The statement form must be signed by the individual  
108 providing the instruction.

109        c. The livery shall maintain the statement form for no less  
110 than 90 days and, upon request, make the form available for  
111 inspection by law enforcement.

112  
113        ~~Any person delivering the information specified in this~~  
114 ~~paragraph must have successfully completed a boater safety~~  
115 ~~course approved by the National Association of State Boating Law~~  
116 ~~Administrators and this state.~~

117        (f) Unless the livery displays boating safety information  
118 in a place visible to the renting public. The commission shall  
119 prescribe by rule, pursuant to chapter 120, the contents and  
120 size of the boating safety information to be displayed.

121        (g) Unless the livery has a written agreement with the  
122 renter or lessee. The written agreement must include the name,  
123 address, and date of birth for the renter and the number of  
124 people aboard the vessel, as well as the time the vessel is  
125 required to be returned to the livery or another specified  
126 location and an emergency contact name, address, and telephone



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number. The livery shall maintain each agreement for no less than 1 year and, upon request, make each agreement available for inspection by law enforcement.

~~(4)(2)~~ A livery may not knowingly lease, hire, or rent a vessel to a person who is required to comply with s. 327.395 unless such person presents to the livery the documentation required by s. 327.395(2) for the operation of a vessel or meets the exemption provided under s. 327.395(6)(f).

~~(5)(3)~~ If a vessel rented or leased by a livery is unnecessarily overdue more than 12 hours after the contracted vessel rental time has expired, the livery must ~~shall~~ notify law enforcement ~~the proper authorities~~.

~~(6)(4)(a)~~ A livery may not knowingly lease, hire, or rent a livery vessel ~~personal watercraft~~ to any person who is under 18 years of age.

~~(b)~~ A livery may not knowingly lease, hire, or rent a ~~personal watercraft to any person who has not received instruction in the safe handling of personal watercraft, in compliance with rules established by the commission pursuant to chapter 120.~~

~~(c)~~ Any person receiving instruction in the safe handling of personal watercraft pursuant to a program established by rule of the commission must provide the livery with a written statement attesting to the same.

~~(7)(5)~~ A livery may not lease, hire, or rent any personal watercraft or offer to lease, hire, or rent any personal watercraft unless the livery first obtains and carries in full force and effect a policy from a licensed insurance carrier in this state, insuring against any accident, loss, injury,



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property damage, or other casualty caused by or resulting from the operation of the personal watercraft. The insurance policy must ~~shall~~ provide coverage of at least \$500,000 per person and \$1 million per event. Other liveries must have sufficient insurance to cover the livery vessels. The livery shall ~~must~~ have proof of such insurance available for inspection at the location where livery vessels ~~personal watercraft~~ are being leased, ~~hired~~, or rented, or offered for lease, ~~hire~~, or rent, and shall provide to each renter the insurance carrier's name and address and the insurance policy number. Liveries shall offer insurance to the renter.

(8) Notwithstanding the person's age or any exemptions provided in s. 327.395, any person delivering instruction regarding the safe operation of vessels or pre-rental or pre-ride instruction in accordance with subsection (3) must have successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators and this state.

(9) If a vessel rented or leased by a livery is involved in an accident, the livery must report the accident to the division.

(10) A livery shall make its facilities and records available for inspection upon request by law enforcement no later than 24 hours after receiving notice from law enforcement.

(11) (a) ~~(6)~~ Any person convicted of violating this section, other than subsection (2), who has not been convicted of a violation of this section within the past 3 years commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.



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(b) Unless the stricter penalties in paragraph (c) apply, a person who violates this section, other than subsection (2), within 3 years after a previous conviction of a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$500.

(c) A person who violates this section, other than subsection (2), within 5 years after two previous convictions for a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$1,000.

(12) A person who commits more than one violation of this section, other than subsection (2), within a 3-year period may not act as a livery during a 90-day period immediately after being charged with that violation. Beginning January 1, 2023, the commission may revoke or refuse to issue a permit under subsection (2) based on repeated violations of this section.

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

And the title is amended as follows:

Delete lines 3 - 21

and insert:

title; amending s. 327.02, F.S.; revising the definition of livery vessel; amending s. 327.30, F.S.; authorizing a court to impose a specified fine for certain boating collisions and accidents; requiring such fines to be deposited into the Marine Resources Conservation Trust Fund for specified purposes; defining the term "convicted" and "conviction";





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214 amending s. 327.54, 9 F.S.; defining terms;  
215 prohibiting liveries, beginning on a specified date,  
216 from offering a vessel for lease or rent without a  
217 livery permit; specifying requirements and  
218 qualifications for the permit; authorizing the Fish  
219 and Wildlife Conservation Commission to adopt rules;  
220 providing penalties for permit violations; revising  
221 the conditions under which a livery may not knowingly  
222 lease or rent a vessel; requiring a person receiving  
223 safety instruction to provide the livery with a  
224 specified signed attestation; requiring a written  
225 agreement between a livery and a renter or lessee;  
226 providing requirements for such agreement; providing  
227 that a livery must insure livery vessels; requiring  
228 specified boating safety education courses for certain  
229 instructors; requiring liveries to report certain  
230 accidents to the Division of Law Enforcement of the  
231 commission; requiring



271670

576-02375-22

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Agriculture, Environment, and  
General Government)

A bill to be entitled

An act relating to boating safety; providing a short  
title; amending s. 327.30, F.S.; authorizing a court  
to impose a specified fine for certain boating  
collisions and accidents; requiring such fines to be  
deposited into the Marine Resources Conservation Trust  
Fund for specified purposes; defining the terms  
"convicted" and "conviction"; amending s. 327.54,  
F.S.; defining terms; prohibiting liveries, beginning  
on a specified date, from offering a vessel for lease  
or rent without a livery permit; specifying  
requirements and qualifications for the permit;  
authorizing the Fish and Wildlife Conservation  
Commission to adopt rules; providing penalties for  
permit violations; revising the conditions under which  
a livery may not knowingly lease or rent a vessel;  
requiring specified boating safety education courses  
for certain instructors; requiring a person receiving  
safety instruction to provide the livery with a  
specified signed attestation; requiring liveries to  
report certain issues and accidents; requiring  
liveries to make facilities and records available to  
law enforcement upon notice; providing penalties for  
violations and additional penalties for subsequent  
violations; prohibiting violators from operating a  
vessel or acting as a livery for a specified timeframe



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576-02375-22

after such a violation; authorizing the commission,  
beginning on a specified date, to revoke or refuse to  
issue permits for repeated violations; amending s.  
327.73, F.S.; increasing fines for violations of  
certain boating regulations; providing fines for  
improper transfers of title and failures to update  
vessel registration information; authorizing certain  
fees and penalties deposited into the Marine Resources  
Conservation Trust Fund to be used for law enforcement  
purposes; amending s. 327.731, F.S.; imposing a fine  
for persons convicted of certain criminal or  
noncriminal infractions; providing for the deposit of  
such fines into the Marine Resources Conservation  
Trust Fund; requiring the commission to maintain a  
program to ensure compliance with certain boating  
safety education requirements; specifying requirements  
for the program; amending s. 328.03, F.S.; providing  
that an improper transfer of vessel title is subject  
to a civil penalty; amending s. 328.48, F.S.;  
requiring that the address provided in a vessel  
registration application and a certificate of  
registration be a physical residential or business  
address; authorizing the commission to accept post  
office box addresses in lieu of the physical  
residential or business address; providing that a  
person who fails to update his or her vessel  
registration information within a specified timeframe  
is subject to a civil penalty; providing an  
appropriation to, and authorizing positions for, the



271670

576-02375-22

commission to create an Illegal Boating Strike Team;  
providing the duties of the strike team; providing  
additional appropriations to the commission and  
authorizing a position for a specified purpose;  
providing effective dates.

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

Section 1. This act may be cited as the "Boating Safety Act of 2022."

Section 2. Subsection (7) is added to section 327.30, Florida Statutes, to read:

327.30 Collisions, accidents, and casualties.—

(7) In addition to any other penalty provided by law, a court may order a person convicted of a violation of this section or of any rule adopted or order issued by the commission pursuant to this section to pay an additional fine of up to \$1,000 per violation. All fines assessed and collected pursuant to this subsection shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund to be used to enhance state and local law enforcement activities related to boating infractions. As used in this subsection, the terms "convicted" and "conviction" mean any judicial disposition other than acquittal or dismissal.

Section 3. Section 327.54, Florida Statutes, is amended to read:

327.54 Liveries; safety regulations; penalty.—

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



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(a) "Conviction" means any judicial disposition other than acquittal or dismissal.

(b) "Livery" means a person who offers a vessel for use by another in exchange for any type of consideration when such person does not also provide the lessee or renter with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. A vessel rented or leased by a livery is a livery vessel as defined in s. 327.02.

(c) "Seaworthy" means the vessel and all of its parts and equipment, including, but not limited to, engines, bilge pumps, and kill switches, are functional and reasonably fit for their intended purpose.

(2) Beginning on January 1, 2023, a livery may not offer a vessel for lease or rent without first being issued a no-cost livery permit by the commission. The permit must be renewed annually. To qualify for issuance or renewal of a livery permit, an applicant must provide the commission with a list of all vessels offered by the livery for lease or rent by another, have valid insurance pursuant to paragraph (3)(j), have an amount of United States Coast Guard-approved lawful personal floatation devices on site sufficient to accommodate the capacity of all vessels offered by the livery for rent or lease by another, have on site all safety equipment required by s. 327.50 and the Code of Federal Regulations sufficient to equip all vessels offered by the livery for rent or lease by another, and display the information required by paragraph (3)(f). If, before the annual renewal of the permit, the information required by this subsection changes, the livery must provide the commission with the updated information within 10 days after the change.



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(a) The commission may adopt rules to implement this subsection.

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

(3) A livery may not knowingly lease, hire, or rent a vessel to any person:

(a) When the number of persons intending to use the vessel exceeds the number considered to constitute a maximum safety load for the vessel as specified on the authorized persons capacity plate of the vessel.

(b) When the horsepower of the motor exceeds the capacity of the vessel.

(c) When the vessel does not contain the ~~required~~ safety equipment required under s. 327.50.

(d) When the vessel is not seaworthy, is a derelict vessel as defined in s. 823.11, or is at risk of becoming derelict as provided in s. 327.4107.

(e) ~~When the vessel is equipped with a motor of 10 horsepower or greater,~~ Unless the livery provides pre-rental ~~prerental~~ or pre-ride ~~preride~~ instruction in compliance with rules established by the commission. The instruction must include ~~that includes~~, but need not be limited to:

1. Operational characteristics of the vessel to be rented.
2. Safe vessel operation and vessel right-of-way.
3. The responsibility of the vessel operator for the safe and proper operation of the vessel.
4. Local characteristics of the waterway where the vessel will be operated, such as navigational hazards, the presence of



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boating-restricted areas, and water depths.

5. Emergency procedures such as appropriate responses to capsizing, falls overboard, taking on water, and vessel accidents.

~~Any person delivering the information specified in this paragraph must have successfully completed a boater safety course approved by the National Association of State Boating Law Administrators and this state.~~

(f) Unless the livery displays boating safety information in a place visible to the renting public. The commission shall prescribe by rule, pursuant to chapter 120, the contents and size of the boating safety information to be displayed.

(g) Unless the livery has a written agreement with the renter or lessee. The written agreement must include a list of the names, addresses, and dates of birth for all persons who will be aboard the vessel, as well as the time the vessel is required to be returned to the livery or another specified location and an emergency contact name, address, and telephone number. The livery shall maintain each agreement for no less than 1 year and, upon request, make each agreement available for inspection by law enforcement.

(h) Who is required to comply with s. 327.395, unless such person presents to the livery the documentation required by s. 327.395(2) for the operation of a vessel or meets the exemption provided under s. 327.395(6)(f).

(i) Who is under 18 years of age.

(j) Unless the livery first obtains and carries in full force and effect a policy from a licensed insurance carrier in



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this state which insures the livery and renter against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the vessel. The insurance policy must provide coverage of at least \$500,000 per person and \$1 million per event. The livery and renter shall have proof of such insurance available for inspection at the location where the livery's vessels are being leased or rented, or offered for lease or rent, and shall provide to each renter the insurance carrier's name and address and the insurance policy number.

(4) Notwithstanding the person's age or any exemptions provided in s. 327.395, any person delivering instruction regarding the safe operation of vessels or pre-rental or pre-ride instruction in accordance with subsection (3) must have successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators and this state.

(5) A person who receives instruction regarding the safe operation of vessels or pre-rental or pre-ride instruction in accordance with subsection (3) must provide the livery with a signed form attesting to each component of the instruction.

(a) The commission shall establish by rule the content of the form.

(b) The form must be signed by the individual providing the instruction.

(c) The livery shall maintain the form for no less than 90 days and, upon request, make the form available for inspection by law enforcement.

~~(2) A livery may not knowingly lease, hire, or rent a~~



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~~vessel to a person who is required to comply with s. 327.395 unless such person presents to the livery the documentation required by s. 327.395(2) for the operation of a vessel or meets the exemption provided under s. 327.395(6)(f).~~

(6)(3) If a vessel rented or leased by a livery is unnecessarily overdue more than 1 hour after the contracted vessel rental time has expired, the livery must shall notify law enforcement and the United States Coast Guard the proper authorities.

(7) If a vessel rented or leased by a livery is involved in an accident, the livery must, as applicable under s. 327.301, report the accident.

(8) A livery shall make its facilities and records available for inspection upon request by law enforcement no later than 24 hours after receiving notice from law enforcement.

(9) (a) A person who violates this section other than subsection (2), but who has not been convicted of a violation of this section within the past 3 years, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Unless the stricter penalties in paragraph (c) apply, a person who violates this section other than subsection (2) within 3 years after a previous conviction of a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$500.

(c) A person who violates this section other than subsection (2) within 5 years after two previous convictions for a violation of this section commits a misdemeanor of the first



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230 ~~degree, punishable as provided in s. 775.082 or s. 775.083, with~~  
231 ~~a minimum mandatory fine of \$1,000.~~

232 ~~(10) A person who commits more than one violation of this~~  
233 ~~section, other than subsection (2), within a 3-year period may~~  
234 ~~not act as a livery during a 90-day period immediately after~~  
235 ~~being charged with that violation. Beginning January 1, 2023,~~  
236 ~~the commission may revoke or refuse to issue a permit under~~  
237 ~~subsection (2) based on repeated violations of this section.~~

238 ~~(4)(a) A livery may not knowingly lease, hire, or rent a~~  
239 ~~personal watercraft to any person who is under 18 years of age.~~

240 ~~(b) A livery may not knowingly lease, hire, or rent a~~  
241 ~~personal watercraft to any person who has not received~~  
242 ~~instruction in the safe handling of personal watercraft, in~~  
243 ~~compliance with rules established by the commission pursuant to~~  
244 ~~chapter 120.~~

245 ~~(c) Any person receiving instruction in the safe handling~~  
246 ~~of personal watercraft pursuant to a program established by rule~~  
247 ~~of the commission must provide the livery with a written~~  
248 ~~statement attesting to the same.~~

249 ~~(5) A livery may not lease, hire, or rent any personal~~  
250 ~~watercraft or offer to lease, hire, or rent any personal~~  
251 ~~watercraft unless the livery first obtains and carries in full~~  
252 ~~force and effect a policy from a licensed insurance carrier in~~  
253 ~~this state, insuring against any accident, loss, injury,~~  
254 ~~property damage, or other casualty caused by or resulting from~~  
255 ~~the operation of the personal watercraft. The insurance policy~~  
256 ~~shall provide coverage of at least \$500,000 per person and \$1~~  
257 ~~million per event. The livery must have proof of such insurance~~  
258 ~~available for inspection at the location where personal~~



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259 ~~watercraft are being leased, hired, or rented, or offered for~~  
260 ~~lease, hire, or rent, and shall provide to each renter the~~  
261 ~~insurance carrier's name and address and the insurance policy~~  
262 ~~number.~~

263 ~~(6) Any person convicted of violating this section commits~~  
264 ~~a misdemeanor of the second degree, punishable as provided in s.~~  
265 ~~775.082 or s. 775.083.~~

266 Section 4. Subsections (1) and (8) of section 327.73,  
267 Florida Statutes, are amended to read:

268 327.73 Noncriminal infractions.—

269 (1) Violations of the following provisions of the vessel  
270 laws of this state are noncriminal infractions:

271 (a) Section 328.46, relating to operation of unregistered  
272 and unnumbered vessels.

273 (b) Section 328.48(4), relating to display of number and  
274 possession of registration certificate.

275 (c) Section 328.48(5), relating to display of decal.

276 (d) Section 328.52(2), relating to display of number.

277 (e) Section 328.54, relating to spacing of digits and  
278 letters of identification number.

279 (f) Section 328.60, relating to military personnel and  
280 registration of vessels.

281 (g) Section 328.72(13), relating to operation with an  
282 expired registration, for which the penalty is:

283 1. For a first or subsequent offense of s. 328.72(13)(a),  
284 up to a maximum of ~~\$100~~ \$50.

285 2. For a first offense of s. 328.72(13)(b), up to a maximum  
286 of \$250.

287 3. For a second or subsequent offense of s. 328.72(13)(b),



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288 up to a maximum of \$500. Any person cited for a noncriminal  
289 infraction under this subparagraph may not have the provisions  
290 of paragraph (4)(a) available to him or her but must appear  
291 before the designated official at the time and location of the  
292 scheduled hearing.

293 (h) Section 327.33(2), relating to careless operation.

294 (i) Section 327.37, relating to water skiing, aquaplaning,  
295 parasailing, and similar activities.

296 (j) Section 327.44, relating to interference with  
297 navigation.

298 (k) Violations relating to boating-restricted areas and  
299 speed limits:

300 1. Established by the commission or by local governmental  
301 authorities pursuant to s. 327.46.

302 2. Speed limits established pursuant to s. 379.2431(2).

303 (l) Section 327.48, relating to regattas and races.

304 (m) Section 327.50(1) and (2), relating to required safety  
305 equipment, lights, and shapes.

306 (n) Section 327.65, relating to muffling devices.

307 (o) Section 327.33(3)(b), relating to a violation of  
308 navigation rules:

309 1. That does not result in an accident; or

310 2. That results in an accident not causing serious bodily  
311 injury or death, for which the penalty is:

312 a. For a first offense, up to a maximum of \$500 ~~\$250~~.

313 b. For a second offense, up to a maximum of \$1,000 ~~\$750~~.

314 c. For a third or subsequent offense, up to a maximum of  
315 \$1,500 ~~\$1,000~~.

316 (p) Section 327.39(1), (2), (3), and (5), relating to



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317 personal watercraft.

318 (q) Section 327.53(1), (2), (3), and (8), relating to  
319 marine sanitation.

320 (r) Section 327.53(4), (5), and (7), relating to marine  
321 sanitation, and s. 327.60, relating to no-discharge zones, for  
322 which the civil penalty is \$250.

323 (s) Section 327.395, relating to boater safety education.  
324 However, a person cited for violating the requirements of s.  
325 327.395 relating to failure to have required proof of boating  
326 safety education in his or her possession may not be convicted  
327 if, before or at the time of a county court hearing, the person  
328 produces proof of the boating safety education identification  
329 card or temporary certificate for verification by the hearing  
330 officer or the court clerk and the identification card or  
331 temporary certificate was valid at the time the person was  
332 cited.

333 (t) Section 327.52(3), relating to operation of overloaded  
334 or overpowered vessels.

335 (u) Section 327.331, relating to divers-down warning  
336 devices, except for violations meeting the requirements of  
337 s. 327.33.

338 (v) Section 327.391(1), relating to the requirement for an  
339 adequate muffler on an airboat.

340 (w) Section 327.391(3), relating to the display of a flag  
341 on an airboat.

342 (x) Section 253.04(3)(a), relating to carelessly causing  
343 seagrass scarring, for which the civil penalty upon conviction  
344 is:

345 1. For a first offense, \$100 ~~\$50~~.



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346 2. For a second offense occurring within 12 months after a  
347 prior conviction, \$250.

348 3. For a third offense occurring within 36 months after a  
349 prior conviction, \$500.

350 4. For a fourth or subsequent offense occurring within 72  
351 months after a prior conviction, \$1,000.

352 (y) Section 327.45, relating to protection zones for  
353 springs, for which the penalty is:

354 1. For a first offense, \$100 ~~\$50~~.

355 2. For a second offense occurring within 12 months after a  
356 prior conviction, \$250.

357 3. For a third offense occurring within 36 months after a  
358 prior conviction, \$500.

359 4. For a fourth or subsequent offense occurring within 72  
360 months after a prior conviction, \$1,000.

361 (z) Section 327.4108, relating to the anchoring of vessels  
362 in anchoring limitation areas, for which the penalty is:

363 1. For a first offense, up to a maximum of \$100 ~~\$50~~.

364 2. For a second offense, up to a maximum of \$250 ~~\$100~~.

365 3. For a third or subsequent offense, up to a maximum of  
366 \$500 ~~\$250~~.

367 (aa) Section 327.4107, relating to vessels at risk of  
368 becoming derelict on waters of this state, for which the civil  
369 penalty is:

370 1. For a first offense, \$100.

371 2. For a second offense occurring 30 days or more after a  
372 first offense, \$250.

373 3. For a third or subsequent offense occurring 30 days or  
374 more after a previous offense, \$500.



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375  
376 A vessel that is the subject of three or more violations issued  
377 pursuant to the same paragraph of s. 327.4107(2) within an 18-  
378 month period which result in dispositions other than acquittal  
379 or dismissal shall be declared to be a public nuisance and  
380 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,  
381 an officer of the commission, or a law enforcement agency or  
382 officer specified in s. 327.70 may relocate, remove, or cause to  
383 be relocated or removed such public nuisance vessels from waters  
384 of this state. The commission, an officer of the commission, or  
385 a law enforcement agency or officer acting pursuant to this  
386 paragraph upon waters of this state shall be held harmless for  
387 all damages to the vessel resulting from such relocation or  
388 removal unless the damage results from gross negligence or  
389 willful misconduct as these terms are defined in s. 823.11.

390 (bb) Section 327.4109, relating to anchoring or mooring in  
391 a prohibited area, for which the penalty is:

392 1. For a first offense, up to a maximum of \$100 ~~\$50~~.

393 2. For a second offense, up to a maximum of \$250 ~~\$100~~.

394 3. For a third or subsequent offense, up to a maximum of  
395 \$500 ~~\$250~~.

396 (cc) Section 327.463(4)(a) and (b), relating to vessels  
397 creating special hazards, for which the penalty is:

398 1. For a first offense, \$100 ~~\$50~~.

399 2. For a second offense occurring within 12 months after a  
400 prior offense, \$250 ~~\$100~~.

401 3. For a third offense occurring within 36 months after a  
402 prior offense, \$500 ~~\$250~~.

403 (dd) Section 327.371, relating to the regulation of human-





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powered vessels.

(ee) Section 328.03, relating to an improper transfer of title, for which the penalty is up to a maximum of \$500.

(ff) Section 328.48(9), relating to the failure to update vessel registration information, for which the penalty is up to a maximum of \$500.

Any person cited for a violation of ~~any provision of~~ this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$100 ~~\$50~~, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation ~~shall~~, in addition to the charge relating to the violation of the boating laws of this state, must be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

(8) All fees and civil penalties assessed and collected pursuant to this section shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund for boating safety education or law enforcement purposes.

Section 5. Subsection (1) of section 327.731, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

327.731 Mandatory education for violators.—



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(1) A person convicted of a criminal violation under this chapter, convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, or convicted of two noncriminal infractions as specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y), the said ~~said~~ infractions occurring within a 12-month period, must:

(a) Enroll in, attend, and successfully complete, at his or her own expense, a classroom or online boating safety course that is approved by and meets the minimum standards established by commission rule;

(b) File with the commission within 90 days proof of successful completion of the course; ~~and~~

(c) Refrain from operating a vessel until he or she has filed proof of successful completion of the course with the commission; and

(d) Pay a fine of \$500. The clerk of the court shall remit all fines assessed and collected under this paragraph to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund to support law enforcement activities.

(4) The commission shall maintain a program to ensure compliance with the mandatory boating safety education requirements under this section. This program must:

(a) Track any citations resulting in a conviction under this section and the disposition of such citations.

(b) Send specific notices to each person subject to the requirement for mandatory boating safety education.

Section 6. Subsection (3) of section 328.03, Florida Statutes, is amended to read:

328.03 Certificate of title required.—



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462 (3) A person ~~may shall~~ not sell, assign, or transfer a  
463 vessel titled by the state without delivering to the purchaser  
464 or transferee a valid certificate of title with an assignment on  
465 it showing the transfer of title to the purchaser or transferee.  
466 A person ~~may shall~~ not purchase or otherwise acquire a vessel  
467 required to be titled by the state without obtaining a  
468 certificate of title for the vessel in his or her name. The  
469 purchaser or transferee shall, within 30 days after a change in  
470 vessel ownership, file an application for a title transfer with  
471 the county tax collector. An additional \$10 fee ~~must shall~~ be  
472 charged against the purchaser or transferee if he or she files a  
473 title transfer application after the 30-day period. The county  
474 tax collector ~~may shall be entitled to~~ retain \$5 of the  
475 additional amount. Any person who does not properly transfer  
476 title of a vessel pursuant to this chapter is subject to the  
477 penalties provided in s. 327.73(1)(ee).

478 Section 7. Effective July 1, 2023, subsection (4) of  
479 section 328.03, Florida Statutes, as amended by chapter 2019-76,  
480 Laws of Florida, is amended to read:

481 328.03 Certificate of title required.—

482 (4) An additional \$10 fee shall be charged against the  
483 purchaser or transferee if he or she files a title transfer  
484 application after the 30-day period. The county tax collector  
485 ~~may shall be entitled to~~ retain \$5 of the additional amount. Any  
486 person who does not properly transfer title of a vessel pursuant  
487 to this chapter is subject to the penalties provided in s.  
488 327.73(1)(ee).

489 Section 8. Paragraph (a) of subsection (1) and subsection  
490 (4) of section 328.48, Florida Statutes, are amended, and



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491 subsection (9) is added to that section, to read:

492 328.48 Vessel registration, application, certificate,  
493 number, decal, duplicate certificate.—

494 (1)(a) The owner of each vessel required by this law to pay  
495 a registration fee and secure an identification number shall  
496 file an application with the county tax collector. The  
497 application ~~must shall~~ provide the owner's name and physical  
498 residential or business address; residency status; personal or  
499 business identification; and a complete description of the  
500 vessel, and ~~must shall~~ be accompanied by payment of the  
501 applicable fee required in s. 328.72. An individual applicant  
502 must provide a valid driver license or identification card  
503 issued by this state or another state or a valid passport. A  
504 business applicant must provide a federal employer  
505 identification number, if applicable, verification that the  
506 business is authorized to conduct business in this the state, or  
507 a Florida city or county business license or number.  
508 Registration is not required for any vessel that is not used on  
509 the waters of this state. Upon receipt of an application from a  
510 live-aboard vessel owner whose primary residence is the vessel,  
511 the commission may authorize such owner to provide a post office  
512 box address in lieu of a physical residential or business  
513 address.

514 (4) Each certificate of registration issued ~~must shall~~  
515 state among other items the numbers awarded to the vessel, the  
516 hull identification number, the name and physical residential or  
517 business address of the owner, and a description of the vessel,  
518 except that certificates of registration for vessels constructed  
519 or assembled by the owner registered for the first time must



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520 ~~shall~~ state all the foregoing information except the hull  
521 identification number. The numbers must ~~shall~~ be placed on each  
522 side of the forward half of the vessel in such position as to  
523 provide clear legibility for identification, except, if the  
524 vessel is an airboat, the numbers may be placed on each side of  
525 the rudder. The numbers awarded to the vessel must ~~shall~~ read  
526 from left to right and must ~~shall~~ be in block characters of good  
527 proportion not less than 3 inches in height. The numbers must  
528 ~~shall~~ be of a solid color that ~~which~~ will contrast with the  
529 color of the background and must ~~shall~~ be so maintained as to be  
530 clearly visible and legible; i.e., dark numbers on a light  
531 background or light numbers on a dark background. The  
532 certificate of registration must ~~shall~~ be pocket-sized and must  
533 ~~shall~~ be available for inspection on the vessel for which issued  
534 whenever such vessel is in operation. Upon receipt of an  
535 application from a live-aboard vessel owner whose primary  
536 residence is the vessel, the commission may authorize such owner  
537 to provide a post office box address in lieu of a physical  
538 residential address.

539 (9) A person who does not update his or her vessel  
540 registration information with the county tax collector within 6  
541 months after a change to the information is subject to the  
542 penalties provided in s. 327.73(1)(ff).

543 Section 9. For the 2022-2023 fiscal year, the sum of \$2  
544 million in recurring funds is appropriated from the General  
545 Revenue Fund to the Fish and Wildlife Conservation Commission  
546 and 7 full-time equivalent positions with associated salary rate  
547 of 322,763 are authorized to create an Illegal Boating Strike  
548 Team for the purpose of coordinating law enforcement at the



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549 federal, state, and local levels to increase public safety and  
550 decrease boating accidents, injuries, fatalities, and criminal  
551 activity. In areas where illegal charters and illegal liveries  
552 are found to be operating, the strike team shall do all of the  
553 following:

554 (1) Enhance law enforcement activities by increasing  
555 intergovernmental coordination to address any criminal conduct  
556 or safety violations, taxes and fees, and licensure regulations  
557 by such charter and livery operations.

558 (2) Address unsafe customer pick-ups and drop-offs.

559 (3) Improve signage and set appropriate speed limits in  
560 waterways.

561 (4) Ensure that correct and current information is used for  
562 vessel registration.

563 (5) Publicize existing reporting systems and use social  
564 media to encourage citizens to report illegal activities.

565 (6) Develop educational campaigns to address and deter  
566 illegal charter operations, illegal livery operations, boating  
567 under the influence, and related public safety issues and to  
568 encourage the reporting of boating violations.

569 Section 10. For the 2022-2023 fiscal year, the sum of  
570 \$100,000 in recurring funds from the General Revenue Fund is  
571 appropriated to the Fish and Wildlife Conservation Commission  
572 and one full-time equivalent position with associated salary  
573 rate of 60,000 is authorized to implement the amendment made to  
574 s. 327.731, Florida Statutes, by this act relating to ensuring  
575 compliance with mandatory boating safety education requirements.

576 Section 11. For the 2022-2023 fiscal year, the sum of  
577 \$125,000 in nonrecurring funds from the General Revenue Fund is



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578 appropriated to the Fish and Wildlife Conservation Commission  
579 for the purpose of implementing the livery permitting  
580 requirement in s. 327.54(2), Florida Statutes.

581       Section 12. Except as otherwise expressly provided in this  
582 act, this act shall take effect July 1, 2022.

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/SB 606

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Agriculture, Environment, and General Government); and Senator Garcia

SUBJECT: Boating Safety

DATE: February 23, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson/Carroll	Rogers	EN	<b>Favorable</b>
2.	Reagan	Betta	AEG	<b>Recommend: Fav/CS</b>
3.	Reagan	Sadberry	AP	<b>Fav/CS</b>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 606 creates the “Boating Safety Act of 2022.”

Relating to liveries, the bill:

- Requires a no-cost, annual livery permit, effective January 1, 2023;
- Requires liveries to implement certain safety requirements; and
- Adds penalties for violations of livery requirements.

The bill increases or adds penalties for noncriminal infractions of vessel safety laws. It increases the additional civil penalty for noncriminal infractions of vessel laws from \$50 to \$100. It directs certain penalties to the Marine Resource Conservation Trust Fund to supplement law enforcement activities.

Relating to boating safety programs, the bill:

- Adds a \$500 fine for certain vessel operators;
- Requires the Florida Fish and Wildlife Conservation Commission (FWC) to maintain a program to ensure compliance with mandatory boating safety education requirements; and
- Creates the Illegal Boating Strike Team to enhance law enforcement activities.

The bill requires a physical residential or business address for vessel registration applicants, with a limited exception for live-aboard vessel owners.

The bill provides an appropriation of \$2 million in recurring funds from the General Revenue Fund to the FWC and authorizes seven positions with associated salary rate of \$322,763 for the Illegal Boating Strike Team. The bill also appropriates \$100,000 in recurring funds from the General Revenue Fund to the FWC and authorizes one position with associated salary rate of \$60,000, relating to ensuring compliance with mandatory boating safety education requirements. The bill also appropriates \$125,000 in nonrecurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC for the purpose of implementing the no-cost livery permitting requirement.

## **II. Present Situation:**

### **Fish and Wildlife Conservation Commission**

The Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.<sup>1</sup> The FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate.<sup>2</sup> Under Article IV, section 9 of the Florida Constitution, the FWC has the authority to exercise the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life.

Chapters 327 and 328, F.S., concerning vessel safety and vessel title certificates, liens, and registration, are enforced by the FWC's Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.<sup>3</sup> The Division of Law Enforcement manages the state's waterways to ensure boating safety for residents of and visitors to the state.<sup>4</sup> This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.<sup>5</sup>

### **Regulation of Liveries**

A livery vessel is defined as a vessel that is leased, rented, or chartered to another for consideration.<sup>6</sup> A livery may not knowingly lease, hire, or rent vessels:

- When the number of persons intending to use the vessel exceeds the number considered to constitute a maximum safety load for the vessel.

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<sup>1</sup> FLA. CONST. art. IV, s. 9.

<sup>2</sup> *Id.*; see also s. 379.102(1), F.S.

<sup>3</sup> Section 327.70(1), F.S.; see s. 943.10(1), F.S., which defines "law enforcement officer" as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

<sup>4</sup> Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Nov. 22, 2021).

<sup>5</sup> FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Nov. 22, 2021). See s. 327.70(1) and (4), F.S.

<sup>6</sup> Section 327.02(24), F.S.

- When the horsepower of the motor exceeds the capacity of the vessel.
- When the vessel does not contain required safety equipment.
- When the vessel is not seaworthy.
- When the vessel is equipped with a motor of 10 horsepower or greater, unless the livery provides required pre-rental or pre-ride instruction, which must be provided by a person who has successfully completed a National Association of State Boating Law Administrators and state-approved boater safety course.
- Unless the livery displays boating safety information in a place visible to the renting public.<sup>7</sup>

A livery also may not knowingly lease, hire, or rent:

- Vessels powered by a motor of 10 horsepower or greater to any person who is required to comply with boater safety education requirements, unless the person presents photographic identification and a valid boater safety identification card to the livery, or meets one of the listed exemptions.<sup>8</sup>
- Personal watercraft to persons under 18 years of age or who have not received instruction in the safe handling of personal watercraft and provided a written statement attesting to that fact.<sup>9</sup>
- Personal watercraft without a proper insurance policy.<sup>10</sup>

Liveries are required to notify the proper authorities if a leased, hired, or rented vessel is unnecessarily overdue.<sup>11</sup> Violations of livery regulations are a second-degree misdemeanor.<sup>12</sup>

### **Boating Infractions and Penalties**

Chapter 327, F.S., the “Florida Vessel Safety Law,” addresses boating violations.<sup>13</sup> The law imposes a statutory duty to assist other persons in a vessel collision or accident, provide information to any injured parties or the owner of damaged property, and provide notice to law enforcement of the accident.<sup>14</sup> Leaving the scene of an accident that resulted in personal injury is a third-degree felony, and leaving the scene of an accident that resulted in property damage is a second-degree misdemeanor.<sup>15</sup>

Section 327.73, F.S., sets forth the fines for noncriminal infractions of the Florida Vessel Safety Law. Unless otherwise specified, the civil penalty for a noncriminal infraction is \$50.<sup>16</sup> If a person fails to appear or respond to a uniform boating citation, he or she is charged with the offense of failing to respond to a citation. Upon conviction, such person will be guilty of a second-degree misdemeanor.<sup>17</sup> Noncriminal violations include operating with an expired

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<sup>7</sup> Section 327.54(1), F.S.

<sup>8</sup> Section 327.54(2), F.S.

<sup>9</sup> Section 327.54(4), F.S.

<sup>10</sup> Section 327.54(5), F.S.

<sup>11</sup> Section 327.54(3), F.S.

<sup>12</sup> Section 327.54(6), F.S.

<sup>13</sup> Section 327.01, F.S.

<sup>14</sup> Section 327.30(1), (2), and (3), F.S.

<sup>15</sup> Section 327.30, F.S.

<sup>16</sup> Section 327.73(1), F.S.

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

registration, operating without a registration, and failing to display the appropriate registration information.

Several noncriminal violations are subject to increased penalties for additional offenses. For example, for a violation of navigation rules that does not result in an accident or that results in an accident without serious bodily injury or death, there is a maximum penalty of:

- \$250 for a first offense;
- \$750 for a second offense; and
- \$1,000 for a third or subsequent offense.<sup>18</sup>

For violating a springs protection zone, or operating a vessel in a careless manner that causes seagrass scarring within an aquatic preserve, except the Lake Jackson, Ocklawaha River, Wekiva River, and Rainbow Springs aquatic preserves, the penalty is:

- \$50 for a first offense;
- \$250 for a second offense occurring within 12 months of a prior conviction;
- \$500 for a third offense occurring within 36 months of a prior conviction; and
- \$1,000 for a fourth or subsequent offense occurring within 72 months of a prior conviction.<sup>19</sup>

For anchoring in an anchoring limitation area and anchoring or mooring in a prohibited area, the penalty is:

- A maximum of \$50 for a first offense;
- A maximum of \$100 for a second offense; and
- A maximum of \$250 for a third or subsequent offense.<sup>20</sup>

For violating areas where vessels creating special hazards are operating, the penalty is:

- \$50 for a first offense;
- \$100 for a second offense occurring within 12 months of a prior offense; and
- \$250 for a third offense occurring within 36 months of a prior offense.<sup>21</sup>

### **Mandatory Education for Violators**

A person who is convicted of two non-criminal boating safety infractions within a 12-month period must enroll in, attend (in-person or online), and successfully complete a National Association of State Boating Law Administrators and state-approved boater education course.<sup>22</sup> The person must file proof of completion of the course with the FWC's Boating and Waterways Section within 90 days of the violation and is not permitted to operate a vessel until proof is filed.<sup>23</sup>

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<sup>18</sup> Section 327.73(o), F.S.

<sup>19</sup> Section 327.73(x) and (y), F.S.

<sup>20</sup> Section 327.73(z) and (bb), F.S.

<sup>21</sup> Section 327.73(cc), F.S.

<sup>22</sup> Section 327.731(1)(a), F.S.

<sup>23</sup> Section 327.731(1)(b) and (c), F.S.



A person who is convicted of a criminal boating violation or a noncriminal boating safety infraction that resulted in a boating accident must complete the boater education course,<sup>24</sup> as well as a separate course for violators. The provider of the course for violators automatically sends proof of completion electronically to the FWC.<sup>25</sup>

### **Marine Resources Conservation Trust Fund**

The Marine Resources Conservation Trust Fund (MRCTF) within the FWC serves as a broad-based depository for funds from various marine-related and boating-related activities.<sup>26</sup> The FWC can administer the trust fund for the following purposes:

- Marine research;
- Fishery enhancement;
- Marine law enforcement;
- Administration of licensing programs for recreational fishing, saltwater products sales, and related information and education activities;
- FWC operations;
- Titling and registration of vessels;
- Marine turtle protection, research, and recovery activities;
- Rehabilitation of oyster harvesting areas;
- Boating research, boating-related programs and activities, and law enforcement on state waters; and
- The stone crab trap reduction program, the blue crab effort management program, the spiny lobster trap certificate program, and the trap retrieval program.<sup>27</sup>

The MRCTF will receive the proceeds from:

- All license fees for purse seines, saltwater products, nets, special activities, Apalachicola Bay oyster harvesting, and wholesale and retail saltwater products dealers;
- All funds collected from vessel registration and other related fees;
- All fees related to the spiny lobster, blue crab, and black sea bass trap retrieval program; the tarpon license program; the stone crab take endorsement; the blue crab take endorsement; and the spiny lobster trap certificate program;
- All fines and penalties relating to take, harvest, or possession of certain marine life; use of illegal nets; violations involving certain finfish; and violations involving saltwater products; and
- Other revenues as provided by law.<sup>28</sup>

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<sup>24</sup> Section 327.731(1), F.S.; *see also* FWC, *Mandatory Boating Education*, <https://myfwc.com/boating/regulations/mandatory-boating-education/> (last visited Oct. 6, 2021).

<sup>25</sup> FWC, *Mandatory Boating Education*, <https://myfwc.com/boating/regulations/mandatory-boating-education/> (last visited Oct. 6, 2021).

<sup>26</sup> Section 379.208(1), F.S.

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

<sup>28</sup> Section 379.208(2), F.S.

## Vessel Titling and Registrations

All motorized vessels operating on Florida's public waterways must be titled and registered pursuant to ch. 328, F.S.<sup>29</sup> The Department of Highway Safety and Motor Vehicles (DHSMV) is responsible for issuing vessel registrations and titles.<sup>30</sup> Registration and title applications must be filed at a county tax collector or license plate agent office,<sup>31</sup> but the DHSMV is responsible for issuing vessel registrations.<sup>32</sup>

A purchaser of a new or used vessel has 30 days to title and register the vessel.<sup>33</sup> The required information for a vessel registration application includes: the owner's name and address; residency status; personal identification (a driver license or identification card) or business identification (a federal employer identification number or Florida state, city, or county business license or number); a complete description of the vessel; payment of the applicable fee; and proof of ownership of the vessel.<sup>34</sup> During the 30-day period before registration, the owner must carry proof of the date of purchase aboard the vessel.<sup>35</sup>

Every vessel operated, used, or stored on the waters of Florida must be registered unless it is:

- A vessel operated, used, and stored exclusively on private lakes and ponds;
- A vessel owned by the United States Government;
- A non-motor-powered vessel less than 16 feet in length;
- A federally documented vessel;
- A vessel already covered by a registration number awarded to it by another state or the U.S. Coast Guard, if the vessel is not located in this state for more than 90 consecutive days;
- A vessel from a country other than the United States, if the vessel is not located in this state for more than 90 days;
- An amphibious vessel for which a vehicle title is issued by the DHSMV;
- A vessel used solely for demonstration, testing, or sales promotional purposes by the manufacturer or dealer; or
- A vessel owned and operated by the state or a political subdivision thereof.<sup>36</sup>

No person may sell, assign, or transfer a vessel titled in the state without providing the purchaser or transferee a valid certificate of title with an assignment on it showing transfer of title to the purchaser or transferee.<sup>37</sup> The purchaser or transferee is required to file an application for a title transfer with the county tax collector within 30 days after a change in vessel ownership.<sup>38</sup> Unless

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<sup>29</sup> See s. 328.03, F.S. Certain vessels are not required to have a certificate of title, including, but not limited to, vessels used only on private lakes or ponds and vessels owned by the U.S. Government or a state or political subdivision thereof.

<sup>30</sup> Section 328.40, F.S.

<sup>31</sup> Section 328.48(1)(a), F.S.

<sup>32</sup> Section 328.48(3), F.S.

<sup>33</sup> Section 328.46(1), F.S.

<sup>34</sup> Section 328.48(1), F.S.

<sup>35</sup> Section 328.46(1), F.S.

<sup>36</sup> Section 328.48(2), F.S.

<sup>37</sup> Section 328.03(3), F.S.

<sup>38</sup> *Id.*

specified otherwise, a person who fails to meet titling and registration requirements is guilty of a second degree misdemeanor.<sup>39</sup>

### **Wildlife Alert**

The Wildlife Alert Reward Association, Inc. (Wildlife Alert) is a 501(c)(3) non-profit organization created in 1979 that allows citizens to report known or suspected violations of Florida's fish, wildlife, environmental, and boating laws, and encourages citizen involvement in conservation and protection.<sup>40</sup> In 2014, Wildlife Alert and the FWC signed a letter of agreement recognizing Wildlife Alert as an FWC Citizen Support Organization.<sup>41</sup> Reporters who know or suspect a violation of Florida's fish, wildlife, environmental, or boating laws may call, text, or file an online report. They may be asked to provide information about the physical descriptions of violators and vehicles, license tag numbers, locations, and other pertinent information. Reporters may remain anonymous. The Wildlife Alert program offers rewards in exchange for information that leads to the arrest of poachers or other violators.<sup>42</sup>

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

**Section 1** names this act the "Boating Safety Act of 2022."

**Section 2** amends s. 327.02, F.S., to exclude a human-powered vessel from the definition of a "livery vessel".

**Section 3** amends s. 327.30, F.S., to create an additional fine of up to \$1,000 for a violation of the vessel collision and accident laws, or any associated rule or order of the Fish and Wildlife Conservation Commission (FWC). A conviction is any judicial disposition other than acquittal or dismissal. Money from the additional fines shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund (MRCTF) to enhance law enforcement activities relating to boating infractions.

**Section 4** amends s. 327.54, F.S., to revise existing requirements for liveries. The bill defines the term "conviction" as any judicial disposition other than acquittal or dismissal. It defines "livery" as a person who advertises and offers a vessel for use by another in exchange for any type of consideration when such person does not also provide the lessee or renter with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. The owner of a vessel who does not advertise his or her vessel for use by another for consideration and who loans or offers his or her vessel for use to another known to him or her either for consideration or without consideration is not a livery. A vessel rented or leased by a livery is a livery vessel. The bill defines "seaworthy" to mean a vessel whose parts and equipment, including, but not limited to, engines, bilge pumps, and kill switches, are functional and reasonably fit for their intended purpose.

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<sup>39</sup> Section 328.21, F.S.

<sup>40</sup> FWC, *Wildlife Alert* (2014), available at <https://myfwc.com/media/4539/wildlife-alert.pdf> (last visited Nov. 22, 2021).

<sup>41</sup> FWC, *Wildlife Alert Reward Program* (2020), available at [https://flmtph.myfwc.com/media/19135/10\\_travis\\_wildlife-alert-pp-2020-mstm.pdf](https://flmtph.myfwc.com/media/19135/10_travis_wildlife-alert-pp-2020-mstm.pdf) (last visited Nov. 22, 2021).

<sup>42</sup> *Id.*

The bill provides that, effective January 1, 2023, a livery must obtain a no-cost annual livery permit from the FWC. To qualify for the permit, an applicant must:

- Provide the FWC with a list of vessels offered by the livery for lease or rent by another;
- Have a sufficient amount of U.S. Coast Guard-approved lawful personal flotation devices on site to accommodate the capacity of all vessels offered by the livery for lease or rent by another;
- Have on site all safety equipment required by the U.S. Coast Guard to equip all vessels offered by the livery for rent or lease by another; and
- Display boating safety information in a place visible to the renting public.

If the information required to qualify for a permit changes before the annual renewal of the permit, the livery must provide the FWC with the updated information within 10 days after the change. The bill authorizes the FWC to adopt rules to implement the no-cost livery permit program. A violation of the permit requirement is a misdemeanor of the first degree.

The bill prevents a livery from knowingly leasing or renting a derelict vessel or a vessel at risk of becoming derelict.

The bill removes the prohibition that a livery cannot knowingly lease or rent a vessel to any person if it is equipped with a motor of 10 horsepower or greater unless the livery provides pre-rental or pre-ride instruction. Instead, pre-rental or pre-ride instruction must be in compliance with rules established by the FWC. The bill provides that instruction on local characteristics of the waterway where the vessel will be operated includes navigational hazards, boating-restricted areas, and water depths, as well as emergency procedures such as appropriate responses to capsizing, falls overboard, taking on water, and vessel accidents.

The bill provides that any person receiving instruction in the safe handling of livery vessel must provide the livery with a written statement attesting to each component of the instruction. The FWC shall establish by rule the content of the statement form. The statement form must be signed by the individual providing the instruction and the livery shall maintain the statement form for no less than 90 days and, upon request, make the form available for inspection by law enforcement. The bill reorganizes language requiring the person delivering this information to have successfully completed a boater safety course.

The bill adds that a livery may not knowingly lease or rent a vessel to any person unless the livery has a written agreement with the renter or lessee. The livery must maintain each agreement for no less than one year and must make it available for inspection by law enforcement upon request. The written agreement must include:

- The renter's name, address, and date of birth and the number of people who will be aboard the vessel;
- The time the vessel must be returned to the livery or other specified location; and
- An emergency contact name, address, and telephone number.

The following requirements, which currently apply to “personal watercraft,” are broadened to apply to “livery vessels”:<sup>43</sup>

- A livery may not knowingly lease or rent a livery vessel to any person under 18 years of age.
- A livery may not knowingly lease or rent a vessel to any person unless the livery first obtains a policy from a licensed insurance carrier in Florida, which insures the livery and renter against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the vessel. Liveries, other than those renting personal watercraft, must have sufficient insurance to cover the livery vessels. The livery and renter must have proof of insurance available for inspection at the location where the vessels are being leased or rented or offered for lease or rent. The livery shall provide the insurance carrier’s name and address and the insurance policy number to each renter. Liveries shall offer insurance to the renter.
- The bill requires any person delivering instruction regarding the safe operation of vessels or pre-rental or pre-ride instruction must have successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators and the state of Florida.

The bill clarifies that if a vessel rented or leased by a livery is unnecessarily overdue more than 12 hours after the contracted rental time has expired, then the livery must notify law enforcement.

The bill requires that if a vessel rented or leased by a livery is involved in an accident, the livery must report the accident to the FWC.

The bill provides that a livery shall make its facilities and records available for inspection within 24 hours of notice by law enforcement.

The bill provides penalties for violations of the livery requirements:

- A person who violates one or more statutory requirements for liveries, but not the no-cost livery permit requirement, and who has not been convicted of a violation of the livery requirements in the past three years, commits a misdemeanor of the second degree and may face imprisonment of no more than 60 days and/or a fine of no more than \$500.
- If the violation has occurred within three years after a previous conviction, the person commits a misdemeanor of the first degree and may face imprisonment of no more than one year and/or a fine of no more than \$1,000. There is an additional minimum mandatory fine of \$500.
- If the person commits another violation within five years after two previous convictions for violations of the livery requirements, the person commits a misdemeanor of the first degree and may face imprisonment of no more than one year and/or a fine of no more than \$1,000. There is an additional minimum mandatory fine of \$1,000.
- A person who commits more than one violation of the livery requirements, but not the no-cost livery permit requirement, within a three year period may not act as a livery during a

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<sup>43</sup> A “personal watercraft” is a vessel 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel. Section 327.02(36), F.S. A “vessel” includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. Section 327.02(47), F.S.

90-day period immediately after being charged. Effective January 1, 2023, the FWC may revoke or refuse to issue a no-cost livery permit based on repeated violations of the livery requirements.

**Section 5** amends s. 327.73, F.S., to increase the following penalties for noncriminal infractions:

- The maximum fine for an owner or operator of a vessel with an expired registration of six months or less is increased from \$50 to \$100 for a first and subsequent offense.
- The maximum fine for violating the navigation rules in a way that is not reckless and does not result in an accident, or results in an accident that does not cause serious bodily injury or death:
  - Is increased from \$250 to \$500 for a first offense.
  - Is increased from \$750 to \$1,000 for a second offense.
  - Is increased from \$1,000 to \$1,500 for a third or subsequent offense.
- The fine for operating a vessel outside a lawfully marked channel in a careless manner that causes seagrass scarring within an aquatic preserve, except the Lake Jackson, Ocklawaha River, Wekiva River, and Rainbow Springs aquatic preserves, is increased from \$50 to \$100 for a first offense.
- The fine for operating a vessel in violation of a springs protection zone is increased from \$50 to \$100 for a first offense.
- The maximum fine for anchoring a vessel in an anchoring limitation area:
  - Is increased from \$50 to \$100 for a first offense;
  - Is increased from \$100 to \$250 for a second offense; and
  - Is increased from \$250 to \$500 for a third or subsequent offense.
- The fine for violating an area where vessels creating a special hazard are operating:
  - Is increased from \$50 to \$100 for a first offense;
  - Is increased from \$100 to \$250 for a second offense occurring within 12 months after a prior offense; and
  - Is increased from \$250 to \$500 for a third offense occurring within 36 months after a prior offense.
- The maximum civil penalty for noncriminal violations of vessel laws is increased from \$50 to \$100, except as otherwise provided.

The bill adds the following penalties for noncriminal infractions:

- The maximum fine for improper transfer of vessel title is \$500.
- The maximum fine for failure to update vessel registration information is \$500.

The bill adds law enforcement purposes to the uses of fees and civil penalties collected pursuant to this section.

**Section 6** amends s. 327.731, F.S., relating to mandatory education for violators. The bill adds a fine of \$500 to the list of requirements that are triggered if a person is:

- Convicted of a criminal violation under ch. 327, F.S. (relating to vessel safety);
- Convicted of a noncriminal infraction under ch. 327, F.S., if it resulted in a reportable boating accident; or
- Convicted of two noncriminal infractions of vessel laws, if the infractions occurred within a 12-month period. These infractions relate to:

- Careless operation;
- Waterskiing, aquaplaning, parasailing, and similar activities;
- Interfering with navigation;
- Violating boating-restricted areas and speed limits;
- Required safety equipment, lights, and shapes;
- Violating navigation rules in a way that does not result in an accident, or that results in an accident not causing serious bodily injury or death;
- Personal watercraft;
- Boater safety education;
- Operating overloaded or overpowered vessels;
- Divers-down warning devices;
- Adequate mufflers on airboats;
- Displaying a flag on an airboat;
- Carelessly causing seagrass scarring; and
- Violating springs protection zones.

The clerk of the court shall remit the fines to be deposited into the MRCTF to support law enforcement activities.

The bill requires the FWC to maintain a program to ensure compliance with mandatory boating safety education requirements. The program must track any citation resulting in a conviction under this section and send notices to each person subject to the requirement for mandatory boating safety education.

**Section 7** amends s. 328.03, F.S., to provide that any person who does not properly transfer title of a vessel is subject to a maximum penalty of \$500.

**Section 8** amends s. 328.03, F.S., as amended by chapter 2019-76, Laws of Florida, to provide that any person who does not properly transfer title of a vessel is subject to a maximum penalty of \$500. This amendment is effective July 1, 2023.

**Section 9** amends s. 328.48, F.S., to add language requiring a vessel owner to provide a physical residential or business address when filing an application for vessel registration. The bill allows the FWC to authorize a live-aboard vessel owner to provide a post office box address in lieu of a physical residential or business address.

The bill adds language requiring a vessel owner's physical residential or business address on each certificate of registration issued.

The bill provides that a person who does not update his or her vessel registration information with the county tax collector within six months after a change to the information will be subject to a maximum penalty of \$500.

**Section 10** creates the Illegal Boating Strike Team. To this end, the bill appropriates \$2 million in recurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC and authorizes seven positions with associated salary rate of 322,763. The Illegal Boating Strike Team will coordinate law enforcement at the federal, state, and local levels to increase public

safety and decrease boating accidents, injuries, fatalities, and criminal activity. In areas where illegal charters and illegal liveries are found to be operating, the strike team shall do all of the following:

- Enhance law enforcement activities by increasing intergovernmental coordination to address any criminal conduct or safety violation, taxes and fees, and licensure regulations by such charter and livery operations;
- Address unsafe customer pick-ups and drop-offs;
- Improve signage and set appropriate speed limits in waterways;
- Ensure correct and current information is used for vessel registration;
- Publicize existing reporting systems and use social media to encourage citizens to report illegal activities; and
- Develop educational campaigns to address and deter illegal charter operations, illegal livery operations, boating under the influence, and related public safety issues, and to encourage the reporting of boating violations.

**Section 11** appropriates \$100,000 in recurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC and authorizes one position with associated salary rate of \$60,000 to implement the amendment made to s. 327.731, F.S., by this act, relating to ensuring compliance with mandatory boating safety education requirements.

**Section 12** appropriates \$125,000 in nonrecurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC for the purpose of implementing the no-cost livery permitting requirement in s. 327.54(2), F.S.

**Section 13** provides that except as otherwise expressly provided, the effective date is July 1, 2022.

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

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None.



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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Increased boating penalties are expected to have a positive fiscal impact to the state. The bill appropriates \$2 million in recurring funds from the General Revenue Fund to the Fish and Wildlife Conservation Commission (FWC) and authorizes seven positions with associated salary rate of 322,763 for the Illegal Boating Strike Team. The bill also appropriates \$100,000 in recurring funds from the General Revenue Fund to the FWC and authorizes one position with associated salary rate of \$60,000, relating to ensuring compliance with mandatory boating safety education requirements. The bill also appropriates \$125,000 in nonrecurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC for the purpose of implementing the no-cost livery permitting requirement.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:****VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 327.02, 327.30, 327.54, 327.73, 327.731, 328.03, and 328.48.

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

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

**CS by Appropriations on February 23, 2022:**

The committee substitute:

- Clarifies that the insurance policies purchased by a livery must cover both the livery and renter;
- Allows for the FWC to accept a P.O. Box address instead of a physical residential or business address for live-aboard vessel registration applications in certain cases; and
- Clarifies the clerk of the court shall remit all fines assessed and collected to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund.

B. Amendments:

None.

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

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By Senator Garcia

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1 A bill to be entitled  
 2 An act relating to boating safety; providing a short  
 3 title; amending s. 327.30, F.S.; authorizing a court  
 4 to impose a specified fine for certain boating  
 5 collisions and accidents; requiring such fines to be  
 6 deposited into the Marine Resources Conservation Trust  
 7 Fund for specified purposes; defining the terms  
 8 "convicted" and "conviction"; amending s. 327.54,  
 9 F.S.; defining terms; prohibiting liveries, beginning  
 10 on a specified date, from offering a vessel for lease  
 11 or rent without a livery permit; specifying  
 12 requirements and qualifications for the permit;  
 13 authorizing the Fish and Wildlife Conservation  
 14 Commission to adopt rules; providing penalties for  
 15 permit violations; revising the conditions under which  
 16 a livery may not knowingly lease or rent a vessel;  
 17 requiring specified boating safety education courses  
 18 for certain instructors; requiring a person receiving  
 19 safety instruction to provide the livery with a  
 20 specified signed attestation; requiring liveries to  
 21 report certain issues and accidents; requiring  
 22 liveries to make facilities and records available to  
 23 law enforcement upon notice; providing penalties for  
 24 violations and additional penalties for subsequent  
 25 violations; prohibiting violators from operating a  
 26 vessel or acting as a livery for a specified timeframe  
 27 after such a violation; authorizing the commission,  
 28 beginning on a specified date, to revoke or refuse to  
 29 issue permits for repeated violations; amending s.

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30 327.73, F.S.; increasing fines for violations of  
 31 certain boating regulations; providing fines for  
 32 improper transfers of title and failures to update  
 33 vessel registration information; authorizing certain  
 34 fees and penalties deposited into the Marine Resources  
 35 Conservation Trust Fund to be used for law enforcement  
 36 purposes; amending s. 327.731, F.S.; imposing a fine  
 37 for persons convicted of certain criminal or  
 38 noncriminal infractions; providing for the deposit of  
 39 such fines into the Marine Resources Conservation  
 40 Trust Fund; requiring the commission to maintain a  
 41 program to ensure compliance with certain boating  
 42 safety education requirements; specifying requirements  
 43 for the program; amending s. 328.03, F.S.; providing  
 44 that an improper transfer of vessel title is subject  
 45 to a civil penalty; amending s. 328.48, F.S.;  
 46 requiring that the address provided in a vessel  
 47 registration application and a certificate of  
 48 registration be a physical residential or business  
 49 address; authorizing the commission to accept post  
 50 office box addresses in lieu of the physical  
 51 residential or business address under certain  
 52 circumstances; providing that a person who fails to  
 53 update his or her vessel registration information  
 54 within a specified timeframe is subject to a civil  
 55 penalty; providing an appropriation to, and  
 56 authorizing positions for, the commission to create an  
 57 Illegal Boating Strike Team; providing the duties of  
 58 the strike team; providing additional appropriations

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to the commission and authorizing a position for a specified purpose; providing effective dates.

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

Section 1. This act may be cited as the "Boating Safety Act of 2022."

Section 2. Subsection (7) is added to section 327.30, Florida Statutes, to read:

327.30 Collisions, accidents, and casualties.—

(7) In addition to any other penalty provided by law, a court may order a person convicted of a violation of this section or of any rule adopted or order issued by the commission pursuant to this section to pay an additional fine of up to \$1,000 per violation, which must be deposited into the Marine Resources Conservation Trust Fund to be used to enhance state and local law enforcement activities related to boating infractions. As used in this subsection, the terms "convicted" and "conviction" mean any judicial disposition other than acquittal or dismissal.

Section 3. Section 327.54, Florida Statutes, is amended to read:

327.54 Liveries; safety regulations; penalty.—

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

(a) "Conviction" means any judicial disposition other than acquittal or dismissal.

(b) "Livery" means a person who offers a vessel for use by another in exchange for any type of consideration when such person does not also provide the lessee or renter with a

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captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. A vessel rented or leased by a livery is a livery vessel as defined in s. 327.02.

(c) "Seaworthy" means the vessel and all of its parts and equipment, including, but not limited to, engines, bilge pumps, and kill switches, are functional and reasonably fit for their intended purpose.

(2) Beginning on January 1, 2023, a livery may not offer a vessel for lease or rent without first being issued a no-cost livery permit by the commission. The permit must be renewed annually. To qualify for issuance or renewal of a livery permit, an applicant must provide the commission with a list of all vessels offered by the livery for lease or rent by another, have valid insurance pursuant to paragraph (3)(j), have an amount of United States Coast Guard-approved lawful personal floatation devices on site sufficient to accommodate the capacity of all vessels offered by the livery for rent or lease by another, have on site all safety equipment required by s. 327.50 and the Code of Federal Regulations sufficient to equip all vessels offered by the livery for rent or lease by another, and display the information required by paragraph (3)(f). If, before the annual renewal of the permit, the information required by this subsection changes, the livery must provide the commission with the updated information within 10 days after the change.

(a) The commission may adopt rules to implement this subsection.

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

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(3) A livery may not knowingly lease, ~~hire~~, or rent a vessel to any person:

(a) When the number of persons intending to use the vessel exceeds the number considered to constitute a maximum safety load for the vessel as specified on the authorized persons capacity plate of the vessel.

(b) When the horsepower of the motor exceeds the capacity of the vessel.

(c) When the vessel does not contain the ~~required~~ safety equipment required under s. 327.50.

(d) When the vessel is not seaworthy, is a derelict vessel as defined in s. 823.11, or is at risk of becoming derelict as provided in s. 327.4107.

(e) ~~When the vessel is equipped with a motor of 10 horsepower or greater,~~ Unless the livery provides pre-rental ~~prerental~~ or pre-ride ~~preride~~ instruction in compliance with rules established by the commission. The instruction must include ~~that includes~~, but need not be limited to:

1. Operational characteristics of the vessel to be rented.
2. Safe vessel operation and vessel right-of-way.
3. The responsibility of the vessel operator for the safe and proper operation of the vessel.
4. Local characteristics of the waterway where the vessel will be operated, such as navigational hazards, the presence of boating-restricted areas, and water depths.

5. Emergency procedures such as appropriate responses to capsizing, falls overboard, taking on water, and vessel accidents.

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~~Any person delivering the information specified in this paragraph must have successfully completed a boater safety course approved by the National Association of State Boating Law Administrators and this state.~~

(f) Unless the livery displays boating safety information in a place visible to the renting public. The commission shall prescribe by rule, pursuant to chapter 120, the contents and size of the boating safety information to be displayed.

(g) Unless the livery has a written agreement with the renter or lessee. The written agreement must include a list of the names, addresses, and dates of birth for all persons who will be aboard the vessel, as well as the time the vessel is required to be returned to the livery or another specified location and an emergency contact name, address, and telephone number. The livery shall maintain each agreement for no less than 1 year and, upon request, make each agreement available for inspection by law enforcement.

(h) Who is required to comply with s. 327.395, unless such person presents to the livery the documentation required by s. 327.395(2) for the operation of a vessel or meets the exemption provided under s. 327.395(6)(f).

(i) Who is under 18 years of age.

(j) Unless the livery first obtains and carries in full force and effect a policy from a licensed insurance carrier in this state which insures the livery against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the vessel. The insurance policy must provide coverage of at least \$500,000 per person and \$1 million per event. The livery shall have proof of such insurance

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available for inspection at the location where the livery's vessels are being leased or rented, or offered for lease or rent, and shall provide to each renter the insurance carrier's name and address and the insurance policy number.

(4) Notwithstanding the person's age or any exemptions provided in s. 327.395, any person delivering instruction regarding the safe operation of vessels or pre-rental or pre-ride instruction in accordance with subsection (3) must have successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators and this state.

(5) A person who receives instruction regarding the safe operation of vessels or pre-rental or pre-ride instruction in accordance with subsection (3) must provide the livery with a signed form attesting to each component of the instruction.

(a) The commission shall establish by rule the content of the form.

(b) The form must be signed by the individual providing the instruction.

(c) The livery shall maintain the form for no less than 90 days and, upon request, make the form available for inspection by law enforcement.

~~(2) A livery may not knowingly lease, hire, or rent a vessel to a person who is required to comply with s. 327.395 unless such person presents to the livery the documentation required by s. 327.395(2) for the operation of a vessel or meets the exemption provided under s. 327.395(6)(f).~~

(6)(3) If a vessel rented or leased by a livery is unnecessarily overdue more than 1 hour after the contracted

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vessel rental time has expired, the livery must ~~shall~~ notify law enforcement and the United States Coast Guard ~~the proper~~ authorities.

(7) If a vessel rented or leased by a livery is involved in an accident, the livery must, as applicable under s. 327.301, report the accident.

(8) A livery shall make its facilities and records available for inspection upon request by law enforcement no later than 24 hours after receiving notice from law enforcement.

(9)(a) A person who violates this section other than subsection (2), but who has not been convicted of a violation of this section within the past 3 years, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Unless the stricter penalties in paragraph (c) apply, a person who violates this section other than subsection (2) within 3 years after a previous conviction of a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$500.

(c) A person who violates this section other than subsection (2) within 5 years after two previous convictions for a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$1,000.

(10) A person who commits more than one violation of this section, other than subsection (2), within a 3-year period may not act as a livery during a 90-day period immediately after being charged with that violation. Beginning January 1, 2023,

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the commission may revoke or refuse to issue a permit under subsection (2) based on repeated violations of this section.

~~(4)(a) A livery may not knowingly lease, hire, or rent a personal watercraft to any person who is under 18 years of age.~~

~~(b) A livery may not knowingly lease, hire, or rent a personal watercraft to any person who has not received instruction in the safe handling of personal watercraft, in compliance with rules established by the commission pursuant to chapter 120.~~

~~(c) Any person receiving instruction in the safe handling of personal watercraft pursuant to a program established by rule of the commission must provide the livery with a written statement attesting to the same.~~

~~(5) A livery may not lease, hire, or rent any personal watercraft or offer to lease, hire, or rent any personal watercraft unless the livery first obtains and carries in full force and effect a policy from a licensed insurance carrier in this state, insuring against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the personal watercraft. The insurance policy shall provide coverage of at least \$500,000 per person and \$1 million per event. The livery must have proof of such insurance available for inspection at the location where personal watercraft are being leased, hired, or rented, or offered for lease, hire, or rent, and shall provide to each renter the insurance carrier's name and address and the insurance policy number.~~

~~(6) Any person convicted of violating this section commits a misdemeanor of the second degree, punishable as provided in s.~~

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~~775.082 or s. 775.083.~~

Section 4. Subsections (1) and (8) of section 327.73, Florida Statutes, are amended to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(a) Section 328.46, relating to operation of unregistered and unnumbered vessels.

(b) Section 328.48(4), relating to display of number and possession of registration certificate.

(c) Section 328.48(5), relating to display of decal.

(d) Section 328.52(2), relating to display of number.

(e) Section 328.54, relating to spacing of digits and letters of identification number.

(f) Section 328.60, relating to military personnel and registration of vessels.

(g) Section 328.72(13), relating to operation with an expired registration, for which the penalty is:

1. For a first or subsequent offense of s. 328.72(13)(a), up to a maximum of \$100 ~~\$50~~.

2. For a first offense of s. 328.72(13)(b), up to a maximum of \$250.

3. For a second or subsequent offense of s. 328.72(13)(b), up to a maximum of \$500. Any person cited for a noncriminal infraction under this subparagraph may not have the provisions of paragraph (4)(a) available to him or her but must appear before the designated official at the time and location of the scheduled hearing.

(h) Section 327.33(2), relating to careless operation.

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291 (i) Section 327.37, relating to water skiing, aquaplaning,  
 292 parasailing, and similar activities.

293 (j) Section 327.44, relating to interference with  
 294 navigation.

295 (k) Violations relating to boating-restricted areas and  
 296 speed limits:

297 1. Established by the commission or by local governmental  
 298 authorities pursuant to s. 327.46.

299 2. Speed limits established pursuant to s. 379.2431(2).

300 (l) Section 327.48, relating to regattas and races.

301 (m) Section 327.50(1) and (2), relating to required safety  
 302 equipment, lights, and shapes.

303 (n) Section 327.65, relating to muffling devices.

304 (o) Section 327.33(3)(b), relating to a violation of  
 305 navigation rules:

306 1. That does not result in an accident; or

307 2. That results in an accident not causing serious bodily  
 308 injury or death, for which the penalty is:

309 a. For a first offense, up to a maximum of \$500 ~~\$250~~.

310 b. For a second offense, up to a maximum of \$1,000 ~~\$750~~.

311 c. For a third or subsequent offense, up to a maximum of  
 312 \$1,500 ~~\$1,000~~.

313 (p) Section 327.39(1), (2), (3), and (5), relating to  
 314 personal watercraft.

315 (q) Section 327.53(1), (2), (3), and (8), relating to  
 316 marine sanitation.

317 (r) Section 327.53(4), (5), and (7), relating to marine  
 318 sanitation, and s. 327.60, relating to no-discharge zones, for  
 319 which the civil penalty is \$250.

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320 (s) Section 327.395, relating to boater safety education.

321 However, a person cited for violating the requirements of s.  
 322 327.395 relating to failure to have required proof of boating  
 323 safety education in his or her possession may not be convicted  
 324 if, before or at the time of a county court hearing, the person  
 325 produces proof of the boating safety education identification  
 326 card or temporary certificate for verification by the hearing  
 327 officer or the court clerk and the identification card or  
 328 temporary certificate was valid at the time the person was  
 329 cited.

330 (t) Section 327.52(3), relating to operation of overloaded  
 331 or overpowered vessels.

332 (u) Section 327.331, relating to divers-down warning  
 333 devices, except for violations meeting the requirements of  
 334 s. 327.33.

335 (v) Section 327.391(1), relating to the requirement for an  
 336 adequate muffler on an airboat.

337 (w) Section 327.391(3), relating to the display of a flag  
 338 on an airboat.

339 (x) Section 253.04(3)(a), relating to carelessly causing  
 340 seagrass scarring, for which the civil penalty upon conviction  
 341 is:

342 1. For a first offense, \$100 ~~\$50~~.

343 2. For a second offense occurring within 12 months after a  
 344 prior conviction, \$250.

345 3. For a third offense occurring within 36 months after a  
 346 prior conviction, \$500.

347 4. For a fourth or subsequent offense occurring within 72  
 348 months after a prior conviction, \$1,000.

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(y) Section 327.45, relating to protection zones for springs, for which the penalty is:

1. For a first offense, \$100 ~~\$50~~.
2. For a second offense occurring within 12 months after a prior conviction, \$250.
3. For a third offense occurring within 36 months after a prior conviction, \$500.
4. For a fourth or subsequent offense occurring within 72 months after a prior conviction, \$1,000.

(z) Section 327.4108, relating to the anchoring of vessels in anchoring limitation areas, for which the penalty is:

1. For a first offense, up to a maximum of \$100 ~~\$50~~.
2. For a second offense, up to a maximum of \$250 ~~\$100~~.
3. For a third or subsequent offense, up to a maximum of \$500 ~~\$250~~.

(aa) Section 327.4107, relating to vessels at risk of becoming derelict on waters of this state, for which the civil penalty is:

1. For a first offense, \$100.
2. For a second offense occurring 30 days or more after a first offense, \$250.
3. For a third or subsequent offense occurring 30 days or more after a previous offense, \$500.

A vessel that is the subject of three or more violations issued pursuant to the same paragraph of s. 327.4107(2) within an 18-month period which result in dispositions other than acquittal or dismissal shall be declared to be a public nuisance and subject to ss. 705.103(2) and (4) and 823.11(3). The commission,

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an officer of the commission, or a law enforcement agency or officer specified in s. 327.70 may relocate, remove, or cause to be relocated or removed such public nuisance vessels from waters of this state. The commission, an officer of the commission, or a law enforcement agency or officer acting pursuant to this paragraph upon waters of this state shall be held harmless for all damages to the vessel resulting from such relocation or removal unless the damage results from gross negligence or willful misconduct as these terms are defined in s. 823.11.

(bb) Section 327.4109, relating to anchoring or mooring in a prohibited area, for which the penalty is:

1. For a first offense, up to a maximum of \$100 ~~\$50~~.
2. For a second offense, up to a maximum of \$250 ~~\$100~~.
3. For a third or subsequent offense, up to a maximum of \$500 ~~\$250~~.

(cc) Section 327.463(4)(a) and (b), relating to vessels creating special hazards, for which the penalty is:

1. For a first offense, \$100 ~~\$50~~.
2. For a second offense occurring within 12 months after a prior offense, \$250 ~~\$100~~.
3. For a third offense occurring within 36 months after a prior offense, \$500 ~~\$250~~.

(dd) Section 327.371, relating to the regulation of human-powered vessels.

(ee) Section 328.03, relating to an improper transfer of title, for which the penalty is up to a maximum of \$500.

(ff) Section 328.48(9), relating to the failure to update vessel registration information, for which the penalty is up to a maximum of \$500.

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Any person cited for a violation of ~~any provision of~~ this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is ~~\$100~~ \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation ~~shall~~, in addition to the charge relating to the violation of the boating laws of this state, must be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

(8) All fees and civil penalties assessed and collected pursuant to this section shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund for boating safety education or law enforcement purposes.

Section 5. Subsection (1) of section 327.731, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

327.731 Mandatory education for violators.—

(1) A person convicted of a criminal violation under this chapter, convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, or convicted of two noncriminal infractions as specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y), the said infractions occurring within a 12-month period, must:

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(a) Enroll in, attend, and successfully complete, at his or her own expense, a classroom or online boating safety course that is approved by and meets the minimum standards established by commission rule;

(b) File with the commission within 90 days proof of successful completion of the course; ~~and~~

(c) Refrain from operating a vessel until he or she has filed proof of successful completion of the course with the commission; and

(d) Pay a fine of \$500. The clerk of the court shall remit all fines assessed and collected under this paragraph to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund to support law enforcement activities.

(4) The commission shall maintain a program to ensure compliance with the mandatory boating safety education requirements under this section. This program must:

(a) Track any citations resulting in a conviction under this section and the disposition of such citations.

(b) Send specific notices to each person subject to the requirement for mandatory boating safety education.

Section 6. Subsection (3) of section 328.03, Florida Statutes, is amended to read:

328.03 Certificate of title required.—

(3) A person may ~~shall~~ not sell, assign, or transfer a vessel titled by the state without delivering to the purchaser or transferee a valid certificate of title with an assignment on it showing the transfer of title to the purchaser or transferee. A person may ~~shall~~ not purchase or otherwise acquire a vessel required to be titled by the state without obtaining a

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certificate of title for the vessel in his or her name. The purchaser or transferee shall, within 30 days after a change in vessel ownership, file an application for a title transfer with the county tax collector. An additional \$10 fee ~~must shall~~ be charged against the purchaser or transferee if he or she files a title transfer application after the 30-day period. The county tax collector ~~may shall be entitled to~~ retain \$5 of the additional amount. Any person who does not properly transfer title of a vessel pursuant to this chapter is subject to the penalties provided in s. 327.73(1)(ee).

Section 7. Effective July 1, 2023, subsection (4) of section 328.03, Florida Statutes, as amended by chapter 2019-76, Laws of Florida, is amended to read:

328.03 Certificate of title required.—

(4) An additional \$10 fee shall be charged against the purchaser or transferee if he or she files a title transfer application after the 30-day period. The county tax collector ~~may shall be entitled to~~ retain \$5 of the additional amount. Any person who does not properly transfer title of a vessel pursuant to this chapter is subject to the penalties provided in s. 327.73(1)(ee).

Section 8. Paragraph (a) of subsection (1) and subsection (4) of section 328.48, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

328.48 Vessel registration, application, certificate, number, decal, duplicate certificate.—

(1)(a) The owner of each vessel required by this law to pay a registration fee and secure an identification number shall file an application with the county tax collector. The

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application ~~must shall~~ provide the owner's name and physical residential or business address; residency status; personal or business identification; and a complete description of the vessel, and ~~must shall~~ be accompanied by payment of the applicable fee required in s. 328.72. An individual applicant must provide a valid driver license or identification card issued by this state or another state or a valid passport. A business applicant must provide a federal employer identification number, if applicable, verification that the business is authorized to conduct business in this the state, or a Florida city or county business license or number. Registration is not required for any vessel that is not used on the waters of this state. Upon receipt of an application from a live-aboard vessel owner, the commission may authorize such owner to provide a post office box address in lieu of a physical residential or business address so long as he or she has not been convicted of a criminal offense under this chapter or chapter 327.

(4) Each certificate of registration issued ~~must shall~~ state among other items the numbers awarded to the vessel, the hull identification number, the name and physical residential or business address of the owner, and a description of the vessel, except that certificates of registration for vessels constructed or assembled by the owner registered for the first time ~~must shall~~ state all the foregoing information except the hull identification number. The numbers ~~must shall~~ be placed on each side of the forward half of the vessel in such position as to provide clear legibility for identification, except, if the vessel is an airboat, the numbers may be placed on each side of

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the rudder. The numbers awarded to the vessel ~~must shall~~ read from left to right and ~~must shall~~ be in block characters of good proportion not less than 3 inches in height. The numbers ~~must shall~~ be of a solid color ~~that which~~ will contrast with the color of the background and ~~must shall~~ be so maintained as to be clearly visible and legible; i.e., dark numbers on a light background or light numbers on a dark background. The certificate of registration ~~must shall~~ be pocket-sized and ~~must shall~~ be available for inspection on the vessel for which issued whenever such vessel is in operation. Upon receipt of an application from a live-aboard vessel owner, the commission may authorize such owner to provide a post office box address in lieu of a physical residential address so long as he or she has not been convicted of a criminal offense under this chapter or chapter 327.

(9) A person who does not update his or her vessel registration information with the county tax collector within 6 months after a change to the information is subject to the penalties provided in s. 327.73(1)(ff).

Section 9. For the 2022-2023 fiscal year, the sum of \$2 million in recurring funds is appropriated from the General Revenue Fund to the Fish and Wildlife Conservation Commission and 7 full-time equivalent positions with associated salary rate of 322,763 are authorized to create an Illegal Boating Strike Team for the purpose of coordinating law enforcement at the federal, state, and local levels to increase public safety and decrease boating accidents, injuries, fatalities, and criminal activity. In areas where illegal charters and illegal liveries are found to be operating, the strike team shall do all of the

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following:

(1) Enhance law enforcement activities by increasing intergovernmental coordination to address any criminal conduct or safety violations, taxes and fees, and licensure regulations by such charter and livery operations.

(2) Address unsafe customer pick-ups and drop-offs.

(3) Improve signage and set appropriate speed limits in waterways.

(4) Ensure that correct and current information is used for vessel registration.

(5) Publicize existing reporting systems and use social media to encourage citizens to report illegal activities.

(6) Develop educational campaigns to address and deter illegal charter operations, illegal livery operations, boating under the influence, and related public safety issues and to encourage the reporting of boating violations.

Section 10. For the 2022-2023 fiscal year, the sum of \$100,000 in recurring funds from the General Revenue Fund is appropriated to the Fish and Wildlife Conservation Commission and one full-time equivalent position with associated salary rate of 60,000 is authorized to implement the amendment made to s. 327.731, Florida Statutes, by this act relating to ensuring compliance with mandatory boating safety education requirements.

Section 11. For the 2022-2023 fiscal year, the sum of \$125,000 in nonrecurring funds from the General Revenue Fund is appropriated to the Fish and Wildlife Conservation Commission for the purpose of implementing the livery permitting requirement in s. 327.54(2), Florida Statutes.

Section 12. Except as otherwise expressly provided in this

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581 act, this act shall take effect July 1, 2022.

2/21/22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

SB 606

Bill Number or Topic

Appropriations

Committee

737178

Amendment Barcode (if applicable)

Name Jared Rosenstein

Phone 786-247-8716

Address 124 W. Jefferson ST

Email Jared@CCCFLA.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

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Boat setter USA

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

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

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S-001 (08/10/2021)

2-21-22

Meeting Date

Approps

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

606

Bill Number or Topic

Amendment Barcode (if applicable)

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

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

Miami

City

FL

State

33128

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Miami-Dade County**

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

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

S-001 (08/10/2021)

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: SB 780

INTRODUCER: Senator Hutson

SUBJECT: Airports

DATE: February 18, 2022

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Price	Vickers	TR	<b>Favorable</b>
2. McAuliffe	Hrdlicka	ATD	<b>Recommend: Favorable</b>
3. McAuliffe	Sadberry	AP	<b>Favorable</b>

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**I. Summary:**

SB 780 expands the publicly owned, publicly operated airports eligible for higher funding levels for master planning and eligible aviation development projects by the Florida Department of Transportation (FDOT). Currently, the higher funding is dependent on the availability of federal funds:

- If federal funds are *not* available, the FDOT may fund up to 80 percent of such projects and a 20 percent local match is required.
- If federal funds *are* available, the FDOT may fund up to 80 percent of *the non-federal* share of such projects, or 80 percent of the local match requirement.

This funding is currently limited to airports that have no scheduled commercial service. The bill revises this restriction so that the 80 percent funding levels are limited to:

- General aviation airports; or
- Commercial service airports that have fewer than 100,000 passenger boardings per year as determined by the Federal Aviation Administration.

The bill results in potential funding at the 80 percent funding levels for Vero Beach Regional Airport.

The bill presents no fiscal impact to the FDOT, as the available funding for the identified projects is not revised. The bill may increase by one the number of airports potentially competing for such funding. The bill may increase opportunities for the identified airport to advance aviation projects.

The bill takes effect July 1, 2022.



## II. Present Situation:

### Airport Oversight

The Federal Aviation Administration (FAA) is responsible for planning and developing a safe and efficient national airport system. This includes all programs related to airport safety and inspections and standards for airport design, construction, and operation. Federal law requires each commercial service airport to operate under a federal certificate and comply with federal aviation requirements. The FAA is responsible for national airport planning and environmental and social requirements and establishes policies related to airport rates and charges, compliance with grant assurances, and airport privatization.<sup>1</sup>

At the state level, the FDOT is responsible for planning airport systems and promoting the further development and improvement of airport facilities.<sup>2</sup> The owner or lessee of a proposed public airport<sup>3</sup> must receive the FDOT's approval before site acquisition or construction or establishment of a public airport facility.<sup>4</sup> The FDOT is also responsible for licensing public airport facilities before the operation of aircraft to or from the facility and must inspect such facilities prior to licensing or license renewal.<sup>5</sup> Florida law authorizes local governments to establish and operate airports<sup>6</sup> and governs airport zoning and land use issues.<sup>7</sup>

### FAA Airport Categories

Under federal regulations:

- A general aviation airport is a public-use airport that, as determined by the FAA, does not have scheduled commercial service or has scheduled service of less than 2,500 passenger boardings<sup>8</sup> each year.<sup>9</sup>
- A commercial service airport is a public airport that the FAA determines has at least 2,500 passenger boardings each year and is receiving scheduled passenger aircraft service.<sup>10</sup>
  - A large hub airport is a commercial service airport that has at least 1 percent of the passenger boardings in United States.<sup>11</sup>

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<sup>1</sup> See Federal Aviation Administration, *Airports*, [https://www.faa.gov/about/office\\_org/headquarters\\_offices/arp/](https://www.faa.gov/about/office_org/headquarters_offices/arp/) (last visited December 17, 2021).

<sup>2</sup> Section 332.001, F.S.

<sup>3</sup> The term “airport” is defined in s. 330.27(6), F.S. For purposes of FDOT approval and licensure, the term “public airport” means an airport, publicly or privately owned, which is open for use by the public.

<sup>4</sup> Section 330.30(1), F.S.

<sup>5</sup> Section 330.30(2), F.S.

<sup>6</sup> See ch. 332, F.S.

<sup>7</sup> See ch. 333, F.S.

<sup>8</sup> “Passenger boardings” means, unless the context indicates otherwise, revenue passenger boardings in the United State *in the prior calendar year* on an aircraft in service in air commerce and includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous states, Alaska, or Hawaii for a nontraffic purpose.

49 U.S.C. 47102(15).

<sup>9</sup> 49 U.S.C. 47102(8).

<sup>10</sup> 49 U.S.C. 47102(7).

<sup>11</sup> 49 U.S.C. 47102(11). Based on the latest FAA data available (calendar year 2020), Florida's large hub airports are Orlando International, Miami International, Fort Lauderdale/Hollywood International, and Tampa International.

- A medium hub airport is a commercial service airport that has at least 0.25 percent but less than 1 percent of the passenger boardings in the United States.<sup>12</sup>
- A small hub airport is a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings in the United States.<sup>13</sup>
- A non-hub airport is a commercial service airport that has less than 0.05 percent of the passenger boardings in the United States but has more than 10,000 passenger boardings.<sup>14</sup>
- Primary airports are commercial service airports that have more than 10,000 passenger boardings each year.<sup>15</sup>
- Nonprimary airports are commercial service airports that have at least 2,500 and no more than 10,000 passenger boardings each year.<sup>16</sup>

### **Federal Airport Funding**

Airports receive federal grants administered by the FAA. The main grant program for federal funds is the Airport Improvement Program (AIP). The AIP provides grants to public agencies (and, in some cases, to private owners and entities) for the planning and development of public-use airports.<sup>17</sup>

Eligible AIP projects include airport improvements related to enhancing airport safety, capacity, security, and environmental concerns. In general, airports may receive AIP funds for most airfield capital improvements or rehabilitation projects and, in some specific situations, for terminals, hangars, and nonaviation development. Certain professional services that are necessary for eligible projects may also be eligible. The FAA must be able to determine that the projects are justified based on civil aeronautical demand. The projects must also meet federal environmental and procurement requirements.<sup>18</sup>

### **State Airport Funding**

Sections 332.003 through 332.007, F.S., create the Florida Airport Development and Assistance Act. The act sets forth a number of duties of the FDOT, including, but not limited to:

- Providing coordination and assistance for the development of a viable aviation system.
- Assisting airport sponsors in airport master planning.

<sup>12</sup> 49 U.S.C. 47102(13). Florida's medium hub airports are Southwest Florida International (Ft. Myers), Palm Beach International, and Jacksonville International.

<sup>13</sup> 49 U.S.C. 47102(25). Florida's small hub airports are Orlando Sanford International, Sarasota/Bradenton International, Punta Gorda, Pensacola International, Destin-Ft. Walton Beach, Northwest Florida Beaches International (Panama City), and Key West International.

<sup>14</sup> 49 U.S.C. 47102(14). Florida's non-hub airports are Tallahassee International, Daytona Beach International, Gainesville Regional, and Melbourne Orlando International.

<sup>15</sup> *Id.* 49 U.S.C. 47102(14).

<sup>16</sup> See Federal Aviation Administration, *Airports, Planning and Capacity, Airport Categories*, [https://www.faa.gov/airports/planning\\_capacity/categories/](https://www.faa.gov/airports/planning_capacity/categories/) (last visited on December 17, 2021).

<sup>17</sup> See Federal Aviation Administration, *Airports, Airport Improvement Program (AIP), Overview: What is AIP?*, <https://www.faa.gov/airports/aip/overview/> (last visited December 17, 2021).

<sup>18</sup> See FDOT, Updated 2021 Agency Legislative Bill Analysis of House Bill 1143, p. 4 (March 9, 2021) (on file in the Senate Transportation Committee).

- Providing financial and technical assistance to public agencies operating public-use airports<sup>19</sup> by making resources available on a cost-reimbursement basis to such agencies for special needs of limited duration.
- Administering the FDOT's participation in the program of aviation and airport grants.
- Encouraging the maximum allocation of federal funds to local airport projects in this state.<sup>20</sup>

Section 332.007, F.S., relates to the administration and financing of aviation and airport programs and projects. The FDOT must prepare and continuously update an aviation and airport work program based on a collection of the local sponsors'<sup>21</sup> proposed projects to be included in the FDOT's work program.<sup>22</sup> The FDOT's airport work program must separately identify development projects and discretionary capacity improvement projects.<sup>23</sup> The FDOT's airport work program must be consistent with the statewide aviation system plan and, to the maximum extent feasible, with approved local government comprehensive plans. Projects involving FDOT-administered funds to be undertaken and implemented by the airport sponsor must be included in the aviation and airport work program.<sup>24</sup> Assistance may only be provided for projects that are included in the FDOT's adopted work program.<sup>25</sup>

Only projects or programs provided for in the act that will contribute to the implementation of the state aviation system plan, that are consistent with and will contribute to the implementation of any airport master plan or layout plan, and that are consistent, to the maximum extent feasible, with the approved local government comprehensive plans are eligible for the expenditure of state funds in accordance with fund participation rates and priorities.<sup>26</sup>

### ***Authorized Funding Participation Levels***

Current law authorizes the FDOT to participate in the capital cost of eligible public airport and aviation development projects at specified rates, unless otherwise provided in the General Appropriations Act or the associated implementing bill. Subject to availability of appropriated funds, the FDOT may generally fund up to 50 percent of the portion of eligible airport project costs which are not funded by the federal government.<sup>27</sup> However, subject to appropriation, the FDOT may fund the capital cost of eligible public airport and aviation development projects at a higher rate for certain types of projects.<sup>28</sup>

When federal funds are not available, the FDOT may fund up to 80 percent of master planning<sup>29</sup> and eligible aviation development projects at publicly owned, publicly operated airports,

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<sup>19</sup> Section 332.004(14), F.S., defines the term "public-use airport" as any publicly owned airport which is used or to be used for public purposes.

<sup>20</sup> Section 332.006, F.S.

<sup>21</sup> Section 332.004(15), F.S., defines the term "sponsor" as any eligible agency which, either individually or jointly with one or more eligible agencies, submits to the FDOT an application for financial assistance for an airport development project.

<sup>22</sup> The FDOT's work program is developed pursuant to s. 339.135, F.S.

<sup>23</sup> Section 332.007(2)(a), F.S.

<sup>24</sup> Section 332.007(2)(b), F.S.

<sup>25</sup> Section 332.007(3), F.S.

<sup>26</sup> Section 332.007(5), F.S.

<sup>27</sup> Section 332.007(6)(a), F.S.

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

<sup>29</sup> "Airport master planning" means the development, for planning purposes, of information and guidance to determine the extent, type, and nature of development needed at a specific airport. Section 332.004(3), F.S.

requiring a 20 percent local match. If federal funds are available, the FDOT may fund up to 80 percent of the nonfederal share of such projects, or 80 percent of the local match requirement. Such funding is currently limited to airports that have no scheduled commercial service.<sup>30</sup>

### III. Effect of Proposed Changes:

The bill amends s. 332.007(6)(c), F.S., revising the airports potentially eligible for FDOT participation in funding of master planning and eligible aviation development projects. Under the bill, the FDOT can fund projects at:

- General aviation airports;<sup>31</sup> or
- Commercial service airports that have less than 100,000 passenger boardings per year as determined by the FAA.

The bill removes the current restriction of such funding to projects at airports having no scheduled commercial service.

This revision results in potential funding eligibility at the 80 percent funding levels for the specified projects at Vero Beach Regional Airport. While that airport was previously categorized by the FAA as a commercial service airport due to enplanements at the end of calendar year 2019 (7,698), the FAA now categorizes the airport as a general aviation airport due to reduced enplanements at the end of calendar year 2020 (2,337). Based on the FAA data, no additional airport appears to currently qualify for the potential funding eligibility under the bill.<sup>32</sup>

The bill takes effect July 1, 2022.

### IV. Constitutional Issues:

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

None.

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

None.

#### C. Trust Funds Restrictions:

None.

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<sup>30</sup> Section 332.007(6)(c), F.S.

<sup>31</sup> The FDOT previously advised with respect to 2021 SB 1466, containing the same revision relevant to general aviation airports, that the bill presents no change with respect to general aviation airports, as current law already includes these airports. See FDOT email to Senate Transportation Committee staff, March 15, 2021 (on file in the Senate Transportation Committee).

<sup>32</sup> Federal Aviation Administration, *Passenger Boarding (Enplanement) and All-Cargo Data for U.S. Airports – Airports*, [https://www.faa.gov/airports/planning\\_capacity/passenger\\_allcargo\\_stats/passenger/](https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/) (last visited December 17, 2021.)

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 presents no fiscal impact to the FDOT, as any funding for the identified projects is not increased, but the number of airports competing for such funding is potentially increased by one. Over time, the pool of eligible applicants for any available funding for the identified projects may vary with the number of passenger boardings in the United States and the resulting FAA classification of Florida airports.

The bill may increase opportunities to advance the specified aviation projects at the identified publicly owned, publicly operated airport, including, but not limited to, funding assistance to meet the 20 percent local match requirement when federal funds are available.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 332.007 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.

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

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By Senator Hutson

7-00710-22

2022780\_\_

A bill to be entitled

An act relating to airports; amending s. 332.007, F.S.; revising the types of airports eligible for specified funding of master planning and eligible aviation development projects by the Florida Department of Transportation; providing an effective date.

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

Section 1. Paragraph (c) of subsection (6) of section 332.007, Florida Statutes, is amended to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(6) Subject to the availability of appropriated funds, the department may participate in the capital cost of eligible public airport and aviation development projects in accordance with the following rates, unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act:

(c) When federal funds are not available, the department may fund up to 80 percent of master planning and eligible aviation development projects at publicly owned, publicly operated airports. If federal funds are available, the department may fund up to 80 percent of the nonfederal share of such projects. Such funding is limited to general aviation airports, or commercial service airports that have fewer than 100,000 passenger boardings per year as determined by the Federal Aviation Administration ~~airports that have no scheduled~~

Page 1 of 2

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

7-00710-22

2022780\_\_

~~commercial service.~~

Section 2. This act shall take effect July 1, 2022.

Page 2 of 2

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

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/CS/SB 1374

INTRODUCER: Appropriations Committee; Health Policy Committee; and Senator Rodriguez

SUBJECT: Clinical Laboratory Testing

DATE: February 23, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	<b>Fav/CS</b>
2.	Howard	Sadberry	AP	<b>Fav/CS</b>
3.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1374 amends section 483.801, Florida Statutes, to exempt registered nurses (RNs) licensed under chapter 464, Florida Statutes, who are determined by the clinical lab director of a hospital or hospital-based off-campus emergency department licensed under chapter 395, Florida Statutes, to be qualified under 42 Code of Federal Regulations (C.F.R.) section 493.1423 to perform only moderate-level or waiver-level clinical laboratory testing in accordance with section 395.0091 Florida Statutes, within the hospital or hospital-based off-campus emergency department with a separate federal Clinical Laboratory Improvement Amendments (CLIA) program clinical laboratory certification under 42 C.F.R. part 493.

The bill will have no fiscal impact on state government.

The bill provides an effective date of July 1, 2022.

**II. Present Situation:**

**The Department of Health**

The Legislature created the Department of Health (DOH) to protect and promote the health of all residents and visitors in the state.<sup>1</sup> The DOH is charged with the regulation of health practitioners

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<sup>1</sup> Section 20.43, F.S.



for the preservation of the health, safety, and welfare of the public. The Division of Medical Quality Assurance (MQA) is responsible for the boards<sup>2</sup> and professions within the DOH.<sup>3</sup>

### **Clinical Laboratories**

Part I of ch. 483, F.S., regulates clinical laboratories and laboratory personnel. The purpose of this part is to protect the public health, safety, and welfare of the people of Florida from the hazards of improper performance by clinical laboratory personnel.

In s. 483.800, F.S., the Legislature declares that clinical laboratories provide essential services to practitioners of the healing arts<sup>4</sup> by furnishing vital information that is essential to a determination of the nature, cause, and extent of the condition involved. Unreliable and inaccurate reports may cause unnecessary anxiety, suffering, and financial burdens and may even contribute directly to death. The protection of public and individual health requires the licensure of clinical laboratory personnel who meet minimum requirements for safe practice. The Legislature finds that laboratory testing technology continues to advance rapidly.<sup>5</sup>

A clinical laboratory is the physical location in which services are performed to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or the identification or assessment of a medical or physical condition.<sup>6</sup> Services performed in clinical labs include:<sup>7</sup>

- The examination of fluids or other materials taken from the human body;
- The examination of tissue taken from the human body; and
- The examination of cells from individual tissues or fluid taken from the human body.

### ***Federal Clinical Laboratory Regulations***

Clinical laboratories that provide testing services in Florida must be certified by the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) program.<sup>8</sup> The CLIA program sets forth the conditions that all laboratories must meet to be certified to perform testing on human specimens and applies to all laboratories seeking payment under the Medicare and Medicaid programs.<sup>9</sup> The CLIA program categorizes laboratory tests by complexity (waived tests, tests of moderate complexity, and tests of high complexity) and must be either CLIA-exempt or possess a CLIA program certificate for each category of tests the clinical laboratory will perform.<sup>10</sup>

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<sup>2</sup> Section 456.001(1), F.S., defines “board” as any board, commission, or other statutorily created entity, to the extent such entity is authorized to exercise regulatory or rulemaking functions within the DOH or, in some cases, within the MQA.

<sup>3</sup> Section 20.43, F.S.

<sup>4</sup> Section 483.803(7), F.S., defines “licensed practitioners of the healing arts” as licensed allopathic physicians, osteopathic physicians, chiropractic physicians, podiatric physicians, naturopaths, and dentists.

<sup>5</sup> Section 483.800, F.S.

<sup>6</sup> Section 483.803(2), F.S.

<sup>7</sup> Section 483.803(a) - (c), F.S.

<sup>8</sup> Section 395.009(1), F.S.

<sup>9</sup> 42 C.F.R. s. 493.1.

<sup>10</sup> 42 C.F.R. s. 493.5.

Under the CLIA program, a clinical laboratory performing waived tests, tests of moderate complexity, or test of high complexity, or any combination of the three, must file a separate application for each laboratory location, unless it fits one of the following exceptions:

- Laboratories that are not at a fixed location, that is, laboratories that move from testing site to testing site, such as mobile units providing laboratory testing, health screening fairs, or other temporary testing locations, may be covered under the certificate of the designated primary site or home base, using its address;
- Not-for-profit or federal, state, or local government laboratories that engage in limited public health testing<sup>11</sup> may file a single application; and
- Laboratories within a hospital that are located at contiguous buildings on the same campus and under common direction may file a single application or multiple applications for the laboratory sites within the same physical location or street address.<sup>12</sup>

A CLIA program certified clinical laboratory must also meet the federal requirements related to laboratory testing personnel in 42 C.F.R. ss. 493.1406 through 493.1491.

The CLIA program requires that each individual performing high complexity testing must possess a state-issued license if licensure is required in the state in which the laboratory is located, and meet one of the following requirements:<sup>13</sup>

- Be a licensed allopathic or osteopathic physician (MD or DO), or doctor of podiatric medicine (DPM); or
- Have earned a doctorate, master's, or bachelor's in laboratory science; or
- Have earned an associate degree in laboratory science with the following; or
  - 60 semester hours including 24 semester hours of medical lab technology; or,
  - 60 semester hours including 24 hours of science that includes six hours of chemistry, six hours of biology, and 12 hours of chemistry, biology or, medical lab technology in any combination and laboratory training that includes either:
    - Completion of a clinical lab training program; or
    - Three months of training in each specialty the high complexity testing is performed; or
    - Previously qualified or could have qualified as a technologist under federal regulations prior to February 28, 1992.

The CLIA program requires that each individual performing moderate complexity testing must possess a state-issued license if licensure is required in the state in which the laboratory is located, and meet one of the following requirements:<sup>14</sup>

- Be qualified to perform high complexity testing; or
- Be a licensed MD, DO, or DPM; or
- Have earned a doctorate, master's, bachelor's, or associate's degree in laboratory science; or
- Be a high school graduate or equivalent, and
  - Have had 50 weeks military training as a medical lab specialist; or

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<sup>11</sup> "Limited" means not more than a combination of 15 moderately complex or waived tests per certificate.

<sup>12</sup> 42 C.F.R. ss. 493.35, 493.43 and 493.55.

<sup>13</sup> 42 C.F.R. s. 493.1489.

<sup>14</sup> 42 C.F.R. s. 493.1423.

- Have documentation of training appropriate to testing to be performed. Training must ensure skills in:
  - Specimen collection, labeling, preparation, etc.;
  - Implementing laboratory procedures;
  - Performing assigned tests;
  - Conducting preventative maintenance, troubleshooting, calibration;
  - Knowledge of reagent stability and storage;
  - Implementing quality control (QC) procedures;
  - Knowledge of factors influencing test results; and
  - Validating patient test results with QC before reporting.

There are no specific CLIA program requirements for clinical laboratory personnel performing waived testing only.

### **Clinical Lab Personnel**

In addition to the federal CLIA program, clinical laboratory personnel requirements set out in 42 C.F.R. 493.1406 through 493.1491, clinical laboratories in Florida must also meet the clinical laboratory personnel requirements in part I, ch. 483, F.S.

“Clinical laboratory personnel” in Florida includes a clinical laboratory director, supervisor, technologist, blood gas analyst, or technician who performs or is responsible for laboratory test procedures, but the term does not include trainees, persons who perform screening for blood banks or plasmapheresis centers, phlebotomists, or persons employed by a clinical laboratory to perform manual pretesting duties or clerical, personnel, or other administrative responsibilities.<sup>15</sup>

The Board of Clinical Laboratory Personnel (Board) oversees the licensure and regulation of clinical laboratory personnel, including supervisors, technologists, technicians, directors, and public health laboratory personnel. Generally, licensure requirements for clinical laboratory personnel include passage of an exam designated by the Board, completion of a medical technology training program, and completion of applicable education requirements.<sup>16</sup>

Part I of ch. 483, F.S., applies to all clinical laboratories and clinical laboratory personnel within this state, except:<sup>17</sup>

- Clinical laboratories operated by the U.S. government;
- Laboratories operated exclusively for research and teaching purposes, involving no patient or public health services;
- Persons engaged in testing in laboratories that are wholly owned and operated by one or more licensed allopathic physicians, osteopathic physicians, chiropractic physicians, podiatric physicians, naturopaths, optometrists or dentists who practice in the same group practice, and perform no testing on patients for non-member group member healthcare providers;

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<sup>15</sup> Section 483.803(4), F.S.

<sup>16</sup> Section 483.809, F.S. and Fla. Admin. Code R. 64B3-5, (2021).

<sup>17</sup> Section 483.801, F.S.

- Respiratory therapists and respiratory care practitioners certified or registered under Part V of ch. 468, F.S.;
- Advanced practice registered nurses licensed under Part I of ch. 464, F.S., who are engaged in performing provider-performed microscopy procedures in laboratories that are wholly owned and operated by one or more licensed allopathic physicians, osteopathic physicians, chiropractic physicians, podiatric physicians, naturopaths, optometrists and dentists who practice in the same group practice; and
- Persons performing laboratory testing within a physician's office for patients referred by a health care provider who is a member of the same physician office practice, if the laboratory or entity operating the laboratory within a physician office practice is under common ownership, directly or indirectly, with an entity licensed under ch. 395, F.S.

### **Nurse Practice Act**

Florida's Nurse Practice Act is found in Part I of ch. 464, F.S. The purpose of the Nurse Practice Act is to ensure that every nurse practicing in this state meets minimum requirements for safe practice. It is legislative intent that nurses who fall below minimum competency or who otherwise present a danger to the public are prohibited from practicing in this state.<sup>18</sup>

### ***Registered Nurse Licensure by Examination***

Any person desiring to be licensed as a RN in Florida must apply to the DOH to take the licensure examination. The DOH must examine each applicant who:<sup>19</sup>

- Has completed an application and remitted the appropriate fee;
- Has submitted to a statewide criminal background check through the Florida Department of Law Enforcement (FDLE);
- Is in good mental and physical health;
- Has received a high school diploma or the equivalent, and has completed the requirements for:
  - Graduation from a DOH approved nursing program;
  - Graduation from a pre-licensure nursing education program that the Board of Nursing (BON) determines is equivalent to a BON approved program;
  - Graduation on or after July 1, 2009, from an accredited program; or
  - Graduation before July 1, 2009, from a pre-licensure nursing education program whose graduates at that time were eligible for examination; and
- Has the ability to communicate in English, which may be determined by an examination given by the DOH

### ***Approved Registered Nursing Education Programs***

All nursing programs requesting BON approval must conform to the Florida Department of Education curriculum framework. In order to ensure the preparation of nurses capable of competent practice, the curriculum must:

- Reflect the stated philosophy and objectives of the program;

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<sup>18</sup> Section 464.002, F.S.

<sup>19</sup> Section 464.008, F.S.

- Evidence an organized pattern of instruction consistent with principles of learning and sound educational practices;
- Provide for systematic evaluation of student learning in both clinical experience and theoretical instruction; and
- Evidence ongoing program evaluation in relation to currency of content, competency of instruction, adequacy of clinical experiences and effectiveness of graduate performance.

Each nursing program, and each campus offering nursing education, requires separate individual approval from the BON. Programs may be offered in the following categories:

- Professional nursing education programs that terminate in a bachelor's degree;
- Professional nursing education programs that terminate in an associate's degree; and
- Professional nursing education programs that terminate in a diploma.<sup>20</sup>

The BON requires specific minimum requirements for professional nursing education programs. Course content must include:

- Medical;
- Surgical;
- Obstetrics;
- Pediatrics;
- Psychiatric;
- Geriatric;
- Acute care, long term care and community settings;
- Personal, family, and community health concepts;
- Nutrition;
- Human growth and development throughout the life span;
- Body structure and function;
- Interpersonal relationship and leadership skills;
- Mental health concepts;
- Pharmacology and administration of medication;
- Legal aspects of practice;
- Professional role and function; and
- Health teaching and counseling skills.<sup>21</sup>

The percentage of clinical training required for curriculums for professional nursing programs that terminate in a bachelor's degree must consist of at least 40 percent clinical training. The curriculums for professional nursing programs that terminate in an associate's degree or a diploma degree must consist of at least 50 percent clinical training.<sup>22</sup>

### ***Registered Nurses***

A registered nurse is any person licensed in this state or holding an active multistate license under the Nurse Practice Act to practice professional nursing. The practice of professional nursing means performing acts requiring substantial specialized knowledge, judgment, and

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<sup>20</sup> Fla. Admin. Code R. 64B9-2.021 (2021).

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

<sup>22</sup> *Supra* note 20.

nursing skill based on applied principles of psychological, biological, physical, and social sciences and includes, but is not limited to:

- The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others;
- The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments; and
- The supervision and teaching of other personnel in the theory and performance of any of the acts described in this subsection.<sup>23</sup>

A professional nurse is responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in nursing.<sup>24</sup>

Currently, a professional registered nurse does not receive classroom education or clinical training sufficient to satisfy the CLIA program requirements to act as clinical laboratory personnel capable of performing all Moderate Complexity Laboratory Testing or All High Complexity Laboratory testing without additional training.<sup>25</sup>

### **Alternate-site Lab Testing**

The term “alternate-site testing” includes any laboratory testing done under the administrative control of a hospital but performed out of the physical or administrative confines of the central laboratory.<sup>26</sup> Alternate-site testing locations are hospital units or departments on the hospital premises that are located outside of the physical or administrative confines of the hospital's central laboratory, but are still under the administrative control of the hospital and under the supervision of the laboratory director.<sup>27</sup>

A hospital laboratory may operate more than one alternate-site. A Florida hospital is required to provide on the premises, or by contract, clinical and pathology laboratory services commensurate with the hospital's needs. The hospital laboratory, and any contracted laboratory providing services for hospital patients, must be certified by the federal Centers for Medicare & Medicaid Services (CMS) under the federal CLIA program and the federal rules adopted thereunder in all specialties or subspecialties in which testing is performed. Hospitals may operate more than one CLIA program certified laboratory on site or at satellite locations that are certified by the CLIA program and on the same or adjoining grounds of a hospital licensed under ch. 395, F.S.<sup>28</sup>

Section 395.0091, F.S., requires the Agency for Health Care Administration (AHCA), in consultation with the Board, to adopt by rule criteria for alternate-site testing to be performed

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<sup>23</sup> Section 464.003, F.S.

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

<sup>25</sup> See 42 C.F.R. ss. 493.1423 and 493.1489.

<sup>26</sup> Section 395.0091, F.S.

<sup>27</sup> Fla. Admin. Code R. 59A-3.242 (1)(g), (2021).

<sup>28</sup> Section 395.002(13)(b), F.S. and Fla. Admin. Code R. 59A-3.242 (1), (2021).

under the supervision of a clinical laboratory director.<sup>29</sup> At a minimum, the criteria must include the following:

- The hospital's internal needs assessment;
- A protocol for implementation, including the identification of tests to be performed and who will perform them;
- Selection of the method of testing to be used for alternate-site testing;
- Minimum training and education requirements for those who will perform alternate-site testing, such as documented training, licensure, certification, or other medical professional background not limited to laboratory professionals;
- Documented in-service training and initial and ongoing competency validation;
- An appropriate internal and external quality control protocol;
- An internal mechanism for the central laboratory to identify and track alternate-site testing; and
- Recordkeeping requirements.

Alternate-site testing locations must be registered when the hospital applies to renew its license.<sup>30</sup>

Current AHCA rule does not require authorized alternate-site testing personnel to be licensed under Part I of ch. 483, F.S., as laboratory personnel but does require personnel to have a high school diploma or its equivalent, satisfy the HIV/AIDS educational requirements of s. 381.0035, F.S., and be licensed or certified as one of the following:<sup>31</sup>

- Emergency medical technician;
- Paramedic;
- Physician assistant;
- Anesthesiologist assistant;
- Advanced practice registered nurse;
- Registered nurse;
- Licensed practical nurse;
- Radiologic technologist;
- Respiratory care practitioner in critical care services;
- Respiratory therapist;
- Clinical laboratory director, supervisor, technologist, technician, or person exempt from such licensure;
- Phlebotomist;
- Clinical laboratory assistant;
- Medical laboratory assistant;
- Perfusionist with specific experience; or
- Cardiovascular technician.

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<sup>29</sup> Fla. Admin. Code R. 59A-3.242 (1), (2021).

<sup>30</sup> Section 395.0091, F.S.

<sup>31</sup> Fla. Admin. Code R. 59A-3.242(1)(g)(6)d., (2021).

The laboratory director will determine if the personnel listed above are suitable to perform testing at an alternate-site.<sup>32</sup>

### **Hospital-Based Off-Campus Emergency Departments**

Section 395.002(10), F.S., defines a hospital-based off-campus emergency department (HB-OCED) to mean a facility that:

- Provides emergency services and care;
- Is owned and operated by a licensed hospital and operates under the license of the hospital; and
- Is located on separate premises from the hospital.

Florida Administrative Code Rule 59A-3.066(2)(e), relating to hospital licensure procedures, also refers to, “off-site emergency departments” in regard to hospital licensure applications for additional off-site emergency departments. The American College of Emergency Physicians defines a hospital-based, freestanding emergency department (HB-FED) as a licensed facility that is structurally separate and distinct from a hospital and provides emergency care, and is also referred to as an off-site, hospital-based or satellite emergency department.<sup>33</sup> CMS refers to these facilities as Provider-based Off-campus Emergency Departments and requires them to operate under the license of the main provider for purposes of Medicare reimbursement.<sup>34</sup>

In Florida, any licensed hospital which has a dedicated emergency department may provide emergency services in a location separate from the hospital’s main premises.<sup>35</sup> A single license will be issued to a licensee for facilities located on separate premises, upon request of the applicant. The license will specifically state the location of the facility, its services, and the licensed beds available on each separate premises.<sup>36</sup> Additional statutory requirements for HB-OCEDs may be found in s. 395.1041(3)(m), F.S., but none relate to clinical laboratory services.

The AHCA interprets existing law to allow a licensed hospital to establish and operate a HB-OCED as part of the facility operations, similar to other hospital outpatient departments, without a separate license. A hospital that wishes to establish a HB-OCED is required to get approval from the AHCA’s Office of Plans and Construction.<sup>37</sup>

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<sup>32</sup> Fla. Admin. Code R. 59A-3.242(1)(g)(6)e., (2021).

<sup>33</sup> American College of Emergency Physicians, Policy Statement, *Freestanding Emergency Departments*, June, 2014, Rev. Apr., 2020, available at <https://www.acep.org/patient-care/policy-statements/freestanding-emergency-departments/> (last visited Jan. 26, 2022).

<sup>34</sup> 42 C.F.R. ss. 413.65(a)(2) and (d)(1) (2017). *See also* U.S. Department of Health & Human Services, Centers for Medicaid & Medicare Services, *Requirements for Provider-based Off-campus Emergency Departments* (Jan. 11, 2008), available at <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/SCLetter08-08.pdf> (last visited Jan. 26, 2022).

<sup>35</sup> Section 395.002(23), F.S., defines “premises” as those buildings, beds, and equipment located at the address of the licensed facility and all other buildings, beds, and equipment for the provision of hospital or ambulatory surgical care located in such reasonable proximity to the address of the licensed facility as to appear to the public to be under the dominion and control of the licensee. For any licensee that is a teaching hospital as defined in s. 408.07, F.S., reasonable proximity includes any buildings, beds, services, programs, and equipment under the dominion and control of the licensee that are located at a site with a main address that is within one mile of the main address of the licensed facility; and all such buildings, beds, and equipment may, at the request of a licensee or applicant, be included on the facility license as a single premises.

<sup>36</sup> Fla. Admin. Code R. 59A-3.066(2)(i), (2021).

<sup>37</sup> Fla. Admin. Code R. 59A-3.066(2)(e), (2021). *See also* Fla. Admin. Code R. 59A-3.080, (2021).



Under current federal CLIA program regulations, a HB-OCED without its own CLIA program certificate would be unable to operate an onsite clinical laboratory or perform clinical laboratory tests, though the use of the mobile laboratory testing service exemption would allow it to make clinical laboratory services available to patients.

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

The bill amends s. 483.801, F.S., to exempt RNs licensed under ch. 464, F.S., who are determined by the clinical lab director of a hospital or HB-OCED licensed under ch. 395, F.S., to be qualified under 42 C.F.R. s. 493.1423 to perform only moderate-level or waiver-level clinical laboratory testing in accordance with s. 395.0091 F.S., within the hospital or hospital-based off-campus emergency department with a separate federal CLIA program clinical laboratory certification under 42 C.F.R. part 493.

The bill provides an effective date of July 1, 2022.

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

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

None.

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

None.

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

None.

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

None.

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

None.

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

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

None.

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

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 483.801 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS/CS by Appropriations on February 21, 2022:**

The committee substitute puts the bill in compliance with all federal regulations for off campus emergency department clinical laboratory testing.

**CS by Health Policy on February 2, 2022:**

The CS amends s. 483.801, F.S., to limit the unspecified “persons” exempted from the application of Part I, ch. 483, F.S., to only exempting registered nurses performing alternate-site clinical laboratory testing within a hospital or HB-OCED licensed under ch. 395, F.S., from the application of the requirements of Part I of ch. 483, F.S.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2022	.	
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	.	
	.	

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The Committee on Appropriations (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (7) is added to section 483.801,  
Florida Statutes, to read:

483.801 Exemptions.—This part applies to all clinical  
laboratories and clinical laboratory personnel within this  
state, except:

(7) Registered nurses licensed under chapter 464 who are



878184

determined by the clinical laboratory director of a hospital or  
hospital-based off-campus emergency department licensed under  
chapter 395 to be qualified under 42 C.F.R. s. 493.1423 to  
perform only moderate-level or waiver-level clinical laboratory  
testing in accordance with s. 395.0091 within the hospital or  
hospital-based off-campus emergency department with a separate  
federal Clinical Laboratory Improvement Amendments (CLIA)  
program clinical laboratory certification under 42 C.F.R. part  
493.

Section 2. This act shall take effect July 1, 2022.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to clinical laboratory testing;  
amending s. 483.801, F.S.; exempting registered nurses  
from clinical laboratory personnel licensure  
requirements under certain circumstances; providing an  
effective date.

By the Committee on Health Policy; and Senator Rodriguez

588-02667-22

20221374c1

A bill to be entitled

An act relating to clinical laboratory testing;  
amending s. 483.801, F.S.; exempting certain  
registered nurses from clinical laboratory personnel  
licensure requirements under certain circumstances;  
providing an effective date.

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

Section 1. Subsection (7) is added to section 483.801,  
Florida Statutes, to read:

483.801 Exemptions.—This part applies to all clinical  
laboratories and clinical laboratory personnel within this  
state, except:

(7) A registered nurse licensed under chapter 464  
performing alternate-site testing within a hospital or a  
hospital-based off-campus emergency department licensed under  
chapter 395.

Section 2. This act shall take effect July 1, 2022.



The Florida Senate

## Committee Agenda Request

**To:** Senator Kelli Stargel, Chair  
Committee on Appropriations

**Subject:** Committee Agenda Request

**Date:** February 2, 2022

---

I respectfully request that SB 1374, relating to Clinical Laboratory Testing, be placed on the:

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

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

---

Senator Ana Maria Rodriguez  
Florida Senate, District 39

2/21/2022

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

1374

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Allison Kinney

Phone

850 294 4448

Address

101 N Monroe St

Email

allison.kinney200  
hcahealthcare.com

Street

TLH

FL

32303

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

HCA

☐

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

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

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

S-001 (08/10/2021)

2/21/22

Meeting Date

Appropriations

Committee

Name **Gabe Warren**

Address **119 S Monroe Street Suite 202**

Street

**Tallahassee**

City

**FL**

State

**32301**

Zip

Phone **850-681-6788**

Email **GWarren@rutledge-ecenia.com**

SB 1374

Bill Number or Topic

Amendment Barcode (if applicable)

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The Florida Senate

## APPEARANCE RECORD

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**HCA Healthcare**

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

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

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

S-001 (08/10/2021)



2/21/22

Meeting Date

Appropriations

Committee

The Florida Senate  
**APPEARANCE RECORD**

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1374

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Adam Basford**

Phone **224-7173**

Address **516 N Adams St**  
Street

Email **abasford@aif.com**

**Tallahassee**  
City

**FL**  
State

**32301**  
Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Associated Industries of Florida**

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

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

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S-001 (08/10/2021)

2-21-2022

Meeting Date

# The Florida Senate APPEARANCE RECORD

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1734

Bill Number or Topic

Appropriator -

Committee

Amendment Barcode (if applicable)

Name

Kathleen Murphy

Phone

407-855-7604

Address

1747 Central Florida Parkway

Email

legislative@floridaptanet.org

Street

Orlando FL

32809

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FLPTA

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

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

S-001 (08/10/2021)

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

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

---

Prepared By: The Professional Staff of the Committee on Appropriations

---

BILL: PCS/SB 1764 (576990)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Agriculture, Environment, and General Government); and Senator Albritton

SUBJECT: Municipal Solid Waste-to-Energy Program

DATE: February 18, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sharon	Imhof	RI	<b>Favorable</b>
2.	Blizzard	Betta	AEG	<b>Recommend: Fav/CS</b>
3.	Blizzard	Sadberry	AP	<b>Pre-meeting</b>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 1764 creates section 377.814, Florida Statutes, to establish the Municipal Solid Waste-to-Energy Program, within the Department of Agriculture and Consumer Services (DACS), comprised of a financial assistance grant program and an incentive grant program.

The stated purpose of the program is to provide financial assistance grants and incentive grants to municipal solid waste-to-energy (MSWE) facilities in order to incentivize the production and sale of energy and reduce waste disposed of in landfills.

The bill appropriates \$100 million in recurring funds from the General Revenue Fund to the DACS for the 2022-2023 fiscal year to fund the grant program. The bill appropriates \$159,816 from the General Revenue Fund to the DACS to implement and administer the grant program. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2022.

## II. Present Situation:

### Municipal Solid Waste-to-Energy

Energy recovery from waste is the conversion of non-recyclable waste materials into usable heat, electricity, or fuel through processes, including combustion, gasification, pyrolysis, anaerobic digestion and landfill gas recovery.<sup>1</sup> This process is often called waste-to-energy (WTE).

Municipal solid waste (MSW), simply garbage or trash, can be used to produce energy at WTE plants and landfills.<sup>2</sup> WTE plants burn MSW to produce steam in a boiler and generate electricity.<sup>3</sup> MSW can contain:

- Biomass, or biogenic (plant or animal products) materials such as paper, cardboard, food waste, grass clippings, leaves, wood, and leather products;
- Nonbiomass combustible materials such as plastics and other synthetic materials made from petroleum; and
- Noncombustible materials such as glass and metals.<sup>4</sup>

In 2018, about 12 percent of the 292 million tons of MSW produced in the United States was burned in WTE plants.<sup>5</sup> The remaining MSW was managed as follows:

- 50 percent was landfilled;
- 23.6 percent was recycled;
- 8.5 percent was composted; and
- 6.1 percent is listed as “other.”<sup>6</sup>

MSW is usually burned at WTE plants, using heat to make steam for generating electricity.<sup>7</sup> In 2020, 65 United States power plants generated around 13.5 billion kilowatt-hours of electricity from 25 million tons of MSW.<sup>8</sup>

In addition to producing electricity, WTE is a waste management option, reducing the amount of material otherwise buried in landfills by about 87 percent.<sup>9</sup> A WTE plant can reduce 2,000 pounds of MSW down to around 300 to 600 pounds of ash.<sup>10</sup>

Energy recovery from waste is important in the development of sustainable energy policies and is encouraged by the United States Environmental Protection Agency.<sup>11</sup> Recognized as a

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<sup>1</sup> U.S. Environmental Protection Agency (EPA), *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, <https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw> (last visited Jan 24, 2022).

<sup>2</sup> U.S. Energy Information Administration (EIA), *Biomass explained, Waste-to-energy (Municipal Solid Waste), Basics*, <https://www.eia.gov/energyexplained/biomass/waste-to-energy.php> (last visited Jan. 24, 2022).

<sup>3</sup> U.S. EIA, *Biomass explained, Waste-to-energy (Municipal Solid Waste), In Depth, How waste-to-energy plants work*, <https://www.eia.gov/energyexplained/biomass/waste-to-energy-in-depth.php> (last visited Jan. 24, 2022).

<sup>4</sup> U.S. EIA, *supra* note 2.

<sup>5</sup> *Id.*

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

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

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

<sup>9</sup> *Id.*

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

<sup>11</sup> U.S. EPA, *supra* note 1.

renewable energy source, WTE facilities produce relatively clean, renewable energy through the combustion of municipal solid waste in specially designed power plants equipped with pollution control equipment to clean emissions.

### ***Municipal Solid Waste-to-Energy in Florida***

For over 30 years, WTE has been an integral component of Florida's solid waste management program.<sup>12</sup> In the 1993 revisions to the 1988 Solid Waste Management Act, the Legislature recognized the need to use an integrated approach to municipal solid waste management by using waste reduction, recycling, WTE facilities, and landfills.<sup>13</sup>

Section 403.7061, F.S., relating to the requirements for review of new WTE facility capacity by the Department of Environmental Protection (DEP), defines the term "waste-to-energy facility" as:

[A] facility that uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous combustible solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term also does not include facilities that burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

Florida has the largest MSW burn capacity in the country.<sup>14</sup> The state went from having one small WTE plant in 1982 to having 12 operating facilities.<sup>15</sup> The following counties have at least one facility:

- Bay;
- Broward;
- Miami-Dade;
- Hillsborough;
- Lake;
- Palm Beach;
- Pasco; and
- Pinellas.<sup>16</sup>

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<sup>12</sup> See s. 403.7061(1), F.S.

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

<sup>14</sup> Florida Department of Environmental Protection (DEP), *Waste-to-Energy*, <https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy> (last visited Jan. 24, 2022).

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

<sup>16</sup> DEP, *Florida Waste-to-Energy Facilities*, [https://floridadep.gov/sites/default/files/WTE\\_Contacts-2016.pdf](https://floridadep.gov/sites/default/files/WTE_Contacts-2016.pdf) (last visited Jan. 24, 2022).

These counties are among Florida's most populous, accounting for 48 percent of Florida's population.<sup>17</sup>

### **Florida Public Service Commission**

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.<sup>18</sup> The role of the PSC is to ensure that Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe, reasonable, and reliable manner.<sup>19</sup> In order to do so, the PSC exercises authority over public utilities in one or more of the following areas: (1) Rate or economic regulation; (2) Market competition oversight; and/or (3) Monitoring of safety, reliability, and service issues.<sup>20</sup>

### **Public Utilities**

A public utility includes any person or legal entity supplying electricity or gas, including natural, manufactured, or similar gaseous substance, to or for the public within the state.<sup>21</sup> The term does not include municipal electric utilities and rural electric cooperatives.<sup>22</sup> Therefore, the PSC does not regulate the rates of publicly owned municipal or cooperative electric utilities.<sup>23</sup>

There are five investor-owned electric utility companies (IOU) in Florida: Florida Power & Light Company (FPL), Duke Energy Florida (Duke), Tampa Electric Company (TECO), Gulf Power Company (Gulf), and Florida Public Utilities Corporation.<sup>24</sup> IOU rates and revenues are regulated by the PSC.<sup>25</sup> These utilities must file periodic earnings reports, which allow the PSC to monitor earnings levels on an ongoing basis and adjust customer rates quickly if a company appears to be overearning.<sup>26</sup>

### **Public Utility Regulatory Policies Act**

In 1978, the federal government enacted the Public Utility Regulatory Policies Act (PURPA),<sup>27</sup> which required promotion of energy efficiency and use of renewables. The PURPA requires utilities to purchase power, at the utility's full avoided cost, from "qualifying facilities," (QF)<sup>28</sup> which fall into two categories: qualifying small power production facilities and qualifying cogeneration facilities.<sup>29</sup> The PURPA directed the Federal Energy Regulatory Commission to

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<sup>17</sup> Florida Waste-to-Energy Coalition, *Fact Sheet*, (on file with the Senate Committee on Regulated Industries).

<sup>18</sup> Section 350.001, F.S.

<sup>19</sup> See Florida Public Service Commission (PSC), *The PSC's Role*, <http://www.psc.state.fl.us> (last visited Jan. 24, 2022).

<sup>20</sup> *Id.*

<sup>21</sup> Section 366.02(1), F.S.

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

<sup>23</sup> See PSC, *Florida PSC 2020 Annual Report*, p. 13,

<http://www.psc.state.fl.us/Files/PDF/Publications/Reports/General/Annualreports/2020.pdf> (last visited Jan.24, 2022).

<sup>24</sup> *Id.* Florida Power & Light (FPL) acquired Gulf Power (Gulf) in 2019 and merged as of January 3, 2022.

<sup>25</sup> Florida Department of Agriculture and Consumer Services, *Electric Utilities*, <https://www.fdacs.gov/Energy/Florida-Energy-Clearinghouse/Electric-Utilities> (last visited Jan. 24, 2022).

<sup>26</sup> PSC, *supra* note 23, at p. 6.

<sup>27</sup> 16 U.S.C. s. 2601 et seq.

<sup>28</sup> Federal Energy Regulatory Commission, *PURPA Qualifying Facilities*, <https://www.ferc.gov/qf> (last visited Jan. 24, 2022).

<sup>29</sup> *Id.*

implement the provisions, which in turn directed the states to implement the provisions. In response, the Florida Legislature created s. 366.051, F.S.,<sup>30</sup> directing utilities to purchase power from cogenerators or small power producers.<sup>31</sup>

### ***Full Avoided Costs***

A utility's full avoided cost is the incremental costs of electric energy or capacity, which, but for the purchase from cogenerators or small power producers, the utility would have to generate itself or purchase from another source.<sup>32</sup> Traditionally, the PSC has approved electric utility power purchase contracts that include provisions for payment, capacity, and energy based upon either the utility's cost to construct and operate its next planned generating unit or the cost of purchasing capacity and energy from generating units owned by other utilities in the interchange market.<sup>33</sup>

### **Power Purchase Agreements**

#### ***Standard Offer Contract***

IOUs must annually establish and file with the PSC a standard offer contract<sup>34</sup> with terms, conditions, and payments based on projected costs for each fossil-fueled generating unit type identified in the IOU's 10-year site plan.<sup>35</sup> Payment terms and conditions for QFs are based on the projected cost to construct and operate the IOU's next planned generation unit.<sup>36</sup> Essentially, the next planned unit becomes an avoided unit and the basis for the avoided costs.

#### ***Negotiated Contracts***

The standard offer contract provides a basis for developing negotiated contracts.<sup>37</sup> Rule 25-17.240 of the Florida Administrative Code encourages IOUs and generating facilities to negotiate contracts for firm capacity and energy to provide fuel diversity, fuel price stability, and energy security.

The PSC addresses petitions by IOUs for approval of cost recovery of negotiated contracts between the IOU and the QFs.<sup>38</sup> The PSC's review considers various matters including whether

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<sup>30</sup> Chapter 89-292, s. 4, Laws of Fla.

<sup>31</sup> Rule 25-17.082 of the Florida Administrative Code, is the PSC's rule on the utility's obligation to purchase.

<sup>32</sup> Section 366.051, F.S.

<sup>33</sup> PSC, *States' Electric Restructuring Activities Update: Wholesale Sales*

<http://www.psc.state.fl.us/Publications/ElectricRestructuringDetails#4> (last visited Jan. 24, 2022).

<sup>34</sup> The following are the most recent PSC orders approving the standard offer contracts for the following investor owned electric utility companies (IOUs): FPL: <http://www.floridapsc.com/library/filings/2021/07682-2021/07682-2021.pdf>; Duke Energy Florida (Duke): <http://www.floridapsc.com/library/filings/2021/08111-2021/08111-2021.pdf>; Tampa Electric Company (TECO): <http://www.floridapsc.com/library/filings/2021/08419-2021/08419-2021.pdf>; and Gulf: <http://www.floridapsc.com/library/filings/2021/07681-2021/07681-2021.pdf> (last visited Jan. 24, 2022).

<sup>35</sup> Fla. Admin. Code R. 25-17.250. Each electric utility must submit a 10-year site plan to the PSC, estimating the utility's power generating needs and general locations for proposed power plant sites over a 10-year planning horizon. Section 186.801, F.S.; PSC, *Review of The 2021 Ten-Year Site Plan of Florida's Electric Utilities*, p. 9, <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2021/Review.pdf> (last visited Jan. 24, 2022).

<sup>36</sup> See PSC, *2022 Legislative Bill Analysis for SB 1764*, p. 1 (Jan. 20, 2022) (on file with the Senate Committee on Regulated Industries).

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

the contract is at or below the IOU's avoided cost and will be considered prudent if it can be reasonably expected to defer or avoid an additional generation unit.<sup>39</sup>

### ***As-available contract***

"As-available" (AA) energy contracts are an option for QFs, including municipal solid waste-to-energy (MSWE) facilities.<sup>40</sup> These contracts are not subject to the PSC's approval but must be filed with the PSC within ten working days of being signed.<sup>41</sup> As-available energy is energy produced and sold on an hour-by-hour basis for which contractual commitments regarding the quantity and time of delivery are not required.<sup>42</sup> As-available energy is purchased at a rate equal to the utility's hourly incremental system fuel cost, which reflects the highest fuel cost of generation each hour.<sup>43</sup>

According to the PSC, the following four facilities receive as-available energy cost payments from FPL:

- Broward County Resource Recovery – South AA QF;
- Brevard County;
- Miami Dade Resource Recovery; and
- Lee County Solid Waste.

### ***Firm Capacity Payments***

If a QF can meet certain contractual provisions as to the quantity, time, and electricity delivery reliability, it is eligible for both capacity payments and energy payments under a firm contract.<sup>44</sup> Capacity is the maximum electric output, in megawatts, that an electricity generator can produce under ideal conditions.<sup>45</sup>

To promote alternative and renewable energy generation, the PSC requires IOUs to offer multiple capacity payment options, including early payments or levelized payments.<sup>46</sup> The different payment options allow QFs flexibility to best meet their financial needs.<sup>47</sup> If an early capacity payment option is selected, then the QF will begin receiving capacity payments earlier than the in-service date of the avoided unit and payments will generally be lower in the later years of the contract.<sup>48</sup>

According to the PSC, the following six facilities are operating under active firm contracts with their host IOU:

- Pinellas County Resource Recovery, with Duke, ending December 2024;

<sup>39</sup> Fla. Admin. Code R. 25-17.240; PSC, *supra* note 36, at p. 2.

<sup>40</sup> PSC, *supra* note 36, at p. 1.

<sup>41</sup> Fla. Admin. Code R. 25-17.0825(1)(b); PSC, *supra* note 36, at p. 2.

<sup>42</sup> Fla. Admin. Code R. 25-17.0825.

<sup>43</sup> Fla. Admin. Code R. 25-17.0825(2)(a); PSC, *supra* note 36, at p. 2.

<sup>44</sup> Fla. Admin. Code R. 25-17.0832(1); PSC, *supra* note 36, at p. 1.

<sup>45</sup> See U.S. EIA, *What is the difference between electricity generation capacity and electricity generation?*, <https://www.eia.gov/tools/faqs/faq.php?id=101&t=3> (last visited Jan. 24, 2022).

<sup>46</sup> PSC, *supra* note 36, at p. 1.

<sup>47</sup> *Id.*

<sup>48</sup> See Notice of Proposed Agency Action Order Approving Revised Standard Offer Contract, p. 2, <http://www.floridapsc.com/library/filings/2021/07682-2021/07682-2021.pdf> (last visited Jan. 24, 2022).



- Pasco County Resource Recovery, with Duke, ending December 2024;
- Broward County Resource Recovery – South QF, with FPL, ending December 2026;
- Palm Beach County Solid Waste Authority 1, with FPL, ending March 2034;
- Palm Beach County Solid Waste Authority 2, with FPL, ending March 2034; and
- Bay County/Engen LLC, with FPL/Gulf, ending July 2023.<sup>49</sup>

### III. Effect of Proposed Changes:

The bill provides a preamble stating:

- It is in the public interest to promote the development of renewable energy resources in Florida, under s. 366.91, F.S.;
- Municipal solid waste-to-energy (MSWE) facilities using biomass as fuel or an energy source are deemed to be producing renewable energy, under s. 366.91, F.S.;
- MSWE facilities provide a practical and sustainable solution to reducing landfill waste, reducing volume by about 87 percent;
- The Legislature recognizes the benefits that MSWE facilities contribute to Florida and its local communities; and
- The Legislature intends to incentivize the production and sale of energy from MSWE facilities through grant programs.

**Section 1** creates s. 377.814, F.S., establishing the MSWE Program, within the Department of Agriculture and Consumer Services (DACS), comprised of a financial assistance grant program and an incentive grant program.

The stated purpose of the program is to provide financial assistance grants and incentive grants to MSWE facilities in order to incentivize the production and sale of energy and reduce waste disposed of in landfills.

The bill defines the following terms as follows:

- “Department” to mean the DACS.
- “Municipal solid waste-to-energy facility” to mean publicly owned or government affiliate-owned facilities using an enclosed device with controlled combustion to thermally break down solid waste to an ash residue containing little or no combustible material, producing electricity, steam, or other energy. It does not include facilities primarily burning fuels other than solid waste; nor facilities primarily burning vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

The Financial Assistance Grant will provide qualifying MSWE facilities with annual financial assistance at a rate of two cents per kilowatt-hour of electricity purchased by an electric utility during the preceding state fiscal year, not to exceed the difference between the total capacity and energy payment the MSWE facility received during the last year of the power purchase agreement entered into before January 1, 2022, and the total of the capacity and energy payment

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<sup>49</sup> PSC, *supra* n. 36, p. 2.

the MSWE facility received under a new or amended power purchase agreement during the preceding state fiscal year. If funds are insufficient to cover every qualifying kilowatt-hour from all qualifying applicants, the DACS must prorate the available funds on an equitable basis, taking into consideration the commercial retail rate within the applicable service territory.

To qualify, the facility must have previously entered into a power purchase agreement with an electric utility before January 1, 2022, that included capacity and energy payments, and the owner of the facility has entered into a new or amended power purchase agreement that either no longer includes capacity payments or includes capacity and energy payments in an amount less than the total of the capacity and energy payments the MSWE facility received under the power purchase agreement entered into before January 1, 2022.

To apply for the grant, the facility owner must submit an application to the DACS, including the MSWE facility's name, the name of the utility purchasing the electric power from the facility, the total capacity and energy payment the facility received during the last year of the power purchase agreement entered into before January 1, 2022, and the amount of energy delivered to and the total amount paid for such power by the utility pursuant to the new or amended power purchase agreement during the preceding state fiscal year.

The bill requires the DACS to establish a process in coordination with the Public Service Commission (PSC) to verify eligibility and the amount of energy purchased from the facility.

The incentive grant will provide facilities with matching funds on a dollar-for-dollar basis to assist with planning and design for constructing, upgrading, or expanding MSWE facilities, including necessary legal or administrative expenses.

To qualify, the facility owner must apply to the DACS and demonstrate that the project is cost-effective, permissible, and implementable and complies with s. 403.7061, F.S., which establishes the requirements for review of new waste-to-energy (WTE) facility capacity by the Department of Environmental Protection (DEP).

The bill requires the DEP to assist the DACS with determining eligibility and with establishing requirements to ensure long-term and efficient operation and maintenance of such facilities.

The DACS must perform adequate overview of applications and awards, including technical review, regular inspections, disbursement approvals, and auditing. If the DACS determines that program requirements are not being met, the bill requires termination or repayment of incentive grant funds.

The bill requires appropriated funds to be used first for financial assistance grants and then remaining funds may be used for incentive grants.

The bill requires the DACS to adopt rules to implement and administer the program. The rules must:

- Establish an application processes for both grant types;
- Include application deadlines; and
- Establish supporting documentation to be provided to the DACS.

Rules for the financial assistance grant program must be developed by the DACS in consultation with the PSC. Rules for the incentive grant program must be developed by the DACS in consultation with the DEP.

**Section 2** appropriates \$100 million in recurring funds from the General Revenue Fund to the DACS for the 2022-2023 fiscal year for the MSWE Grant Program. Funds appropriated for the MSWE Grant Program which are not disbursed by the end of the fiscal year in which the funds were appropriated, may be carried forward for up to five years.

**Section 3** appropriates the sums of \$149,832 in recurring funds and \$9,984 in nonrecurring funds from the General Revenue Fund, and authorizes two full-time equivalent positions to the DACS to administer the MSWE grant program.

**Section 4** provides that the bill is effective July 1, 2022.

#### **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 result in a positive impact to private companies that own a government affiliated waste-to-energy facility and qualify for a grant.

**C. Government Sector Impact:**

The bill may result in a positive impact to counties that own a municipal solid waste-to-energy facility that qualify for funds under the grant program.

The bill appropriates \$100 million in recurring general revenue to the Department of Agriculture and Consumer Services (DACS) to fund the Municipal Solid Waste-to-Energy Grant Program. Funds appropriated for the program which are not disbursed by the end of the fiscal year in which the funds were appropriated, may be carried forward for up to five years.

Per the DACS, two positions and expenses totaling \$159,816 from the General Revenue Fund will be necessary to carry out the provisions of the bill.<sup>50</sup> The bill appropriates \$149,832 in recurring funds and \$9,984 in nonrecurring funds from the General Revenue Fund, and authorizes two full-time equivalent positions to the DACS to implement and administer the grant program.

The Public Service Commission (PSC) is required to assist the DACS to aid in the verification of grant eligibility and award amounts. The PSC anticipates any additional workload can be handled by existing staff.<sup>51</sup>

The bill requires the Department of Environmental Protection (DEP) to assist the DACS with determining eligibility and establishing requirements to ensure long-term and efficient operation and maintenance of the waste-to-energy facilities. The DEP has indicated this assistance can be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 377.814 of the Florida Statutes.

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<sup>50</sup> Department of Agriculture and Consumer Services, *Bill Analysis of SB 1764* (Jan. 24, 2022) (on file with the Senate Appropriations Subcommittee on Agriculture, Environment, and General Government).

<sup>51</sup> PSC, *supra* note 36, at p. 4.

**IX. Additional Information:**

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

**PCS 576990 by Appropriations Committee (Recommended by Appropriations Subcommittee on Agriculture, Environment, and General Government):**

The committee substitute:

- Clarifies grant eligibility and more accurately determines amounts eligible for distribution to qualifying applicants;
- Allows funds appropriated for the Municipal Solid Waste-to-Energy Program that are not disbursed by the end of the fiscal year in which they were appropriated, to be carried forward for up to five years; and
- Appropriates \$159,816 from the General Revenue Fund, and authorizes two full-time equivalent positions to the Department of Agriculture and Consumer Services to administer the grant program.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2022	.	
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	.	

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The Committee on Appropriations (Albritton) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 142

and insert:

(d) Funds awarded under the incentive grant program may not be used to promote, establish, or convert a residential collection system that does not provide for the separate collection of residential solid waste from recovered materials as defined in s. 403.703.

(e) The department shall require the termination or



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11  
12 ===== T I T L E   A M E N D M E N T =====  
13 And the title is amended as follows:  
14       Delete line 23  
15 and insert:  
16       department to perform grant overview; prohibiting  
17       funds from being used for specified purposes;  
18       establishing



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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Agriculture, Environment, and  
General Government)

A bill to be entitled

An act relating to the Municipal Solid Waste-to-Energy  
Program; creating s. 377.814, F.S.; creating the  
Municipal Solid Waste-to-Energy Program within the  
Department of Agriculture and Consumer Services for a  
specified purpose; defining terms; requiring the  
department, subject to appropriation, to provide  
annual financial assistance grants to municipal solid  
waste-to-energy facilities that meet certain  
requirements; requiring the department to distribute  
funds to qualifying applicants based on certain  
criteria; requiring the department to establish a  
process to verify the amount of certain electric power  
purchases; directing the Public Service Commission to  
provide assistance in verifying grant eligibility;  
requiring the department, subject to appropriation, to  
provide incentive grants to municipal solid waste-to-  
energy facilities to assist with certain costs;  
specifying requirements for applying for the funding;  
requiring the Department of Environmental Protection  
to provide assistance in determining grant eligibility  
and establishing requirements; requiring the  
department to perform grant overview; establishing  
priority for funding for the grants; requiring the  
Department of Agriculture and Consumer Services to  
adopt rules; providing appropriations; authorizing the



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balance of certain unexpended funds to be carried  
forward for a specified number of years; authorizing  
positions; providing an effective date.

WHEREAS, as provided in s. 366.91(1), Florida Statutes, the  
Legislature has determined that it is in the public interest to  
promote the development of renewable energy resources in this  
state, and

WHEREAS, under s. 366.91, Florida Statutes, municipal solid  
waste-to-energy facilities that use biomass as a fuel or energy  
source are deemed to be producing renewable energy, and

WHEREAS, municipal solid waste-to-energy facilities provide  
a practical and sustainable solution to reducing landfill waste,  
reducing volume by about 87 percent, and

WHEREAS, the Legislature recognizes the benefits that  
municipal solid waste-to-energy facilities contribute to the  
state and its local communities, and

WHEREAS, the Legislature intends to incentivize the  
production and sale of energy from municipal solid waste-to-  
energy facilities through grant programs, NOW, THEREFORE,

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

Section 1. Section 377.814, Florida Statutes, is created to  
read:

377.814 Municipal Solid Waste-to-Energy Program.—

(1) CREATION AND PURPOSE OF THE PROGRAM.—The Municipal  
Solid Waste-to-Energy Program is created within the department.  
The purpose of the program is to provide financial assistance





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56 grants and incentive grants to municipal solid waste-to-energy  
57 facilities to incentivize the production and sale of energy from  
58 municipal solid waste-to-energy facilities while also reducing  
59 the amount of waste that would otherwise be disposed of in a  
60 landfill.

61 (2) DEFINITIONS.—For purposes of this section, the term:

62 (a) "Department" means the Department of Agriculture and  
63 Consumer Services.

64 (b) "Municipal solid waste-to-energy facility" means a  
65 publicly owned or government affiliate-owned facility that uses  
66 an enclosed device using controlled combustion to thermally  
67 break down solid waste to an ash residue that contains little or  
68 no combustible material and that produces electricity, steam, or  
69 other energy as a result. The term does not include facilities  
70 that primarily burn fuels other than solid waste even if such  
71 facilities also burn some solid waste as a fuel supplement. The  
72 term does not include facilities that primarily burn vegetative,  
73 agricultural, or silvicultural wastes, bagasse, clean dry wood,  
74 methane or other landfill gas, wood fuel derived from  
75 construction or demolition debris, or waste tires, alone or in  
76 combination with fossil fuels.

77 (3) FINANCIAL ASSISTANCE GRANT PROGRAM.—The department,  
78 subject to appropriation, shall provide annual financial  
79 assistance grants to municipal solid waste-to-energy facilities  
80 that entered into a power purchase agreement with an electric  
81 utility before January 1, 2022, which included capacity and  
82 energy payments, and the owner of the municipal solid waste-to-  
83 energy facility has entered into a new or amended power purchase  
84 agreement that either no longer includes capacity payments or



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85 includes capacity and energy payments in an amount less than the  
86 total of the capacity and energy payments the municipal solid  
87 waste-to-energy facility received under the power purchase  
88 agreement entered into before January 1, 2022.

89 (a) To apply for an annual financial assistance grant, the  
90 owner of a municipal solid waste-to-energy facility must submit  
91 an application to the department. The application must include  
92 the name of the applicant's municipal solid waste-to-energy  
93 facility, the name of the utility purchasing the electric power  
94 from the municipal solid waste-to-energy facility, the total  
95 capacity and energy payment the municipal solid waste-to-energy  
96 facility received during the last year of the power purchase  
97 agreement entered into before January 1, 2022, and the amount of  
98 energy delivered to and the total amount paid for such power by  
99 an electric utility pursuant to a new or amended power purchase  
100 agreement during the preceding state fiscal year.

101 (b) The department shall distribute funds, subject to  
102 appropriation, to each qualifying applicant at a rate of 2 cents  
103 per kilowatt-hour of electric power purchased by an electric  
104 utility during the preceding state fiscal year, not to exceed  
105 the difference between the total capacity and energy payment the  
106 municipal solid waste-to-energy facility received during the  
107 last year of the power purchase agreement entered into before  
108 January 1, 2022, and the total of the capacity and energy  
109 payment the municipal solid waste-to-energy facility received  
110 under a new or amended power purchase agreement during the  
111 preceding state fiscal year. To the extent that funds are not  
112 available to provide financial assistance to each qualifying  
113 applicant for every qualifying kilowatt-hour purchased, the



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department shall prorate the funds on an equitable basis.

(c) The department shall establish a process to verify the amount of electric power purchased from a municipal solid waste-to-energy facility by an electric utility during each preceding state fiscal year. The Public Service Commission shall provide assistance to the department to help verify the information provided pursuant to paragraph (a).

(4) INCENTIVE GRANT PROGRAM.—The department, subject to appropriation, shall provide incentive grants to municipal solid waste-to-energy facilities to assist with the planning and designing for constructing, upgrading, or expanding a municipal solid waste-to-energy facility, including necessary legal or administrative expenses.

(a) To qualify for an incentive grant, the owner of a municipal solid waste-to-energy facility must apply to the department for funding; provide matching funds on a dollar-for-dollar basis; and demonstrate that the project is cost-effective, permittable, and implementable and complies with s. 403.7061.

(b) The Department of Environmental Protection shall provide assistance to the department in determining the eligibility of grant applications and establishing requirements to ensure the long-term and efficient operation and maintenance of facilities constructed or expanded under an incentive grant.

(c) The department shall perform adequate overview of each grant application and grant award, including technical review, regular inspections, disbursement approvals, and auditing, to implement this section.

(d) The department shall require the termination or



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repayment of incentive grant funds if the department determines that program requirements are not being met.

(5) FUNDING.—Funds appropriated for the Municipal Solid Waste-to-Energy Program must first be used for financial assistance grants. Any funds remaining in a state fiscal year after disbursement to all qualifying applicants may be used to fund the incentive grant program.

(6) RULES.—The department shall adopt rules to implement and administer this section, including establishing grant application processes for financial assistance grants and incentive grants. The rules shall include application deadlines and establish the supporting documentation necessary to be provided to the department. In adopting rules relating to the financial assistance grant program, the department shall consult the Public Service Commission. In adopting rules for the incentive grant program, the department shall consult the Department of Environmental Protection.

Section 2. (1) For the 2022-2023 fiscal year, the sum of \$100 million in recurring funds is appropriated from the General Revenue Fund to the Department of Agriculture and Consumer Services for the Municipal Solid Waste-to-Energy Program, as provided in s. 377.814, Florida Statutes.

(2) Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, funds allocated for the purpose of this section which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 5 years after the effective date of the original appropriation.

Section 3. For the 2022-2023 fiscal year, the sums of



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172 \$149,832 in recurring funds and \$9,984 in nonrecurring funds are  
173 appropriated from the General Revenue Fund to the Department of  
174 Agriculture and Consumer Services, and two full-time equivalent  
175 positions with associated salary rate of 80,540 are authorized,  
176 for the purpose of implementing this act.

177 Section 4. This act shall take effect July 1, 2022.

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/SB 1764

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Agriculture, Environment, and General Government); and Senator Albritton

SUBJECT: Municipal Solid Waste-to-Energy Program

DATE: February 23, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sharon	Imhof	RI	<b>Favorable</b>
2.	Blizzard	Betta	AEG	<b>Recommend: Fav/CS</b>
3.	Blizzard	Sadberry	AP	<b>Fav/CS</b>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1764 creates section 377.814, Florida Statutes, to establish the Municipal Solid Waste-to-Energy Program, within the Department of Agriculture and Consumer Services (DACS), comprised of a financial assistance grant program and an incentive grant program.

The stated purpose of the program is to provide financial assistance grants and incentive grants to municipal solid waste-to-energy (MSWE) facilities in order to incentivize the production and sale of energy and reduce waste disposed of in landfills.

The bill appropriates \$100 million in recurring funds from the General Revenue Fund to the DACS for the 2022-2023 fiscal year to fund the grant program. The bill appropriates \$159,816 from the General Revenue Fund to the DACS to implement and administer the grant program. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2022.

## II. Present Situation:

### Municipal Solid Waste-to-Energy

Energy recovery from waste is the conversion of non-recyclable waste materials into usable heat, electricity, or fuel through processes, including combustion, gasification, pyrolysis, anaerobic digestion and landfill gas recovery.<sup>1</sup> This process is often called waste-to-energy (WTE).

Municipal solid waste (MSW), simply garbage or trash, can be used to produce energy at WTE plants and landfills.<sup>2</sup> WTE plants burn MSW to produce steam in a boiler and generate electricity.<sup>3</sup> MSW can contain:

- Biomass, or biogenic (plant or animal products) materials such as paper, cardboard, food waste, grass clippings, leaves, wood, and leather products;
- Nonbiomass combustible materials such as plastics and other synthetic materials made from petroleum; and
- Noncombustible materials such as glass and metals.<sup>4</sup>

In 2018, about 12 percent of the 292 million tons of MSW produced in the United States was burned in WTE plants.<sup>5</sup> The remaining MSW was managed as follows:

- 50 percent was landfilled;
- 23.6 percent was recycled;
- 8.5 percent was composted; and
- 6.1 percent is listed as “other.”<sup>6</sup>

MSW is usually burned at WTE plants, using heat to make steam for generating electricity.<sup>7</sup> In 2020, 65 United States power plants generated around 13.5 billion kilowatt-hours of electricity from 25 million tons of MSW.<sup>8</sup>

In addition to producing electricity, WTE is a waste management option, reducing the amount of material otherwise buried in landfills by about 87 percent.<sup>9</sup> A WTE plant can reduce 2,000 pounds of MSW down to around 300 to 600 pounds of ash.<sup>10</sup>

Energy recovery from waste is important in the development of sustainable energy policies and is encouraged by the United States Environmental Protection Agency.<sup>11</sup> Recognized as a

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<sup>1</sup> U.S. Environmental Protection Agency (EPA), *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, <https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw> (last visited Jan 24, 2022).

<sup>2</sup> U.S. Energy Information Administration (EIA), *Biomass explained, Waste-to-energy (Municipal Solid Waste), Basics*, <https://www.eia.gov/energyexplained/biomass/waste-to-energy.php> (last visited Jan. 24, 2022).

<sup>3</sup> U.S. EIA, *Biomass explained, Waste-to-energy (Municipal Solid Waste), In Depth, How waste-to-energy plants work*, <https://www.eia.gov/energyexplained/biomass/waste-to-energy-in-depth.php> (last visited Jan. 24, 2022).

<sup>4</sup> U.S. EIA, *supra* note 2.

<sup>5</sup> *Id.*

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

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

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

<sup>9</sup> *Id.*

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

<sup>11</sup> U.S. EPA, *supra* note 1.

renewable energy source, WTE facilities produce relatively clean, renewable energy through the combustion of municipal solid waste in specially designed power plants equipped with pollution control equipment to clean emissions.

### ***Municipal Solid Waste-to-Energy in Florida***

For over 30 years, WTE has been an integral component of Florida's solid waste management program.<sup>12</sup> In the 1993 revisions to the 1988 Solid Waste Management Act, the Legislature recognized the need to use an integrated approach to municipal solid waste management by using waste reduction, recycling, WTE facilities, and landfills.<sup>13</sup>

Section 403.7061, F.S., relating to the requirements for review of new WTE facility capacity by the Department of Environmental Protection (DEP), defines the term "waste-to-energy facility" as:

[A] facility that uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous combustible solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term also does not include facilities that burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

Florida has the largest MSW burn capacity in the country.<sup>14</sup> The state went from having one small WTE plant in 1982 to having 12 operating facilities.<sup>15</sup> The following counties have at least one facility:

- Bay;
- Broward;
- Miami-Dade;
- Hillsborough;
- Lake;
- Palm Beach;
- Pasco; and
- Pinellas.<sup>16</sup>

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<sup>12</sup> See s. 403.7061(1), F.S.

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

<sup>14</sup> Florida Department of Environmental Protection (DEP), *Waste-to-Energy*, <https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy> (last visited Jan. 24, 2022).

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

<sup>16</sup> DEP, *Florida Waste-to-Energy Facilities*, [https://floridadep.gov/sites/default/files/WTE\\_Contacts-2016.pdf](https://floridadep.gov/sites/default/files/WTE_Contacts-2016.pdf) (last visited Jan. 24, 2022).

These counties are among Florida's most populous, accounting for 48 percent of Florida's population.<sup>17</sup>

### **Florida Public Service Commission**

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.<sup>18</sup> The role of the PSC is to ensure that Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe, reasonable, and reliable manner.<sup>19</sup> In order to do so, the PSC exercises authority over public utilities in one or more of the following areas: (1) Rate or economic regulation; (2) Market competition oversight; and/or (3) Monitoring of safety, reliability, and service issues.<sup>20</sup>

### **Public Utilities**

A public utility includes any person or legal entity supplying electricity or gas, including natural, manufactured, or similar gaseous substance, to or for the public within the state.<sup>21</sup> The term does not include municipal electric utilities and rural electric cooperatives.<sup>22</sup> Therefore, the PSC does not regulate the rates of publicly owned municipal or cooperative electric utilities.<sup>23</sup>

There are five investor-owned electric utility companies (IOU) in Florida: Florida Power & Light Company (FPL), Duke Energy Florida (Duke), Tampa Electric Company (TECO), Gulf Power Company (Gulf), and Florida Public Utilities Corporation.<sup>24</sup> IOU rates and revenues are regulated by the PSC.<sup>25</sup> These utilities must file periodic earnings reports, which allow the PSC to monitor earnings levels on an ongoing basis and adjust customer rates quickly if a company appears to be overearning.<sup>26</sup>

### **Public Utility Regulatory Policies Act**

In 1978, the federal government enacted the Public Utility Regulatory Policies Act (PURPA),<sup>27</sup> which required promotion of energy efficiency and use of renewables. The PURPA requires utilities to purchase power, at the utility's full avoided cost, from "qualifying facilities," (QF)<sup>28</sup> which fall into two categories: qualifying small power production facilities and qualifying cogeneration facilities.<sup>29</sup> The PURPA directed the Federal Energy Regulatory Commission to

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<sup>17</sup> Florida Waste-to-Energy Coalition, *Fact Sheet*, (on file with the Senate Committee on Regulated Industries).

<sup>18</sup> Section 350.001, F.S.

<sup>19</sup> See Florida Public Service Commission (PSC), *The PSC's Role*, <http://www.psc.state.fl.us> (last visited Jan. 24, 2022).

<sup>20</sup> *Id.*

<sup>21</sup> Section 366.02(1), F.S.

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

<sup>23</sup> See PSC, *Florida PSC 2020 Annual Report*, p. 13,

<http://www.psc.state.fl.us/Files/PDF/Publications/Reports/General/Annualreports/2020.pdf> (last visited Jan.24, 2022).

<sup>24</sup> *Id.* Florida Power & Light (FPL) acquired Gulf Power (Gulf) in 2019 and merged as of January 3, 2022.

<sup>25</sup> Florida Department of Agriculture and Consumer Services, *Electric Utilities*, <https://www.fdacs.gov/Energy/Florida-Energy-Clearinghouse/Electric-Utilities> (last visited Jan. 24, 2022).

<sup>26</sup> PSC, *supra* note 23, at p. 6.

<sup>27</sup> 16 U.S.C. s. 2601 et seq.

<sup>28</sup> Federal Energy Regulatory Commission, *PURPA Qualifying Facilities*, <https://www.ferc.gov/qf> (last visited Jan. 24, 2022).

<sup>29</sup> *Id.*

implement the provisions, which in turn directed the states to implement the provisions. In response, the Florida Legislature created s. 366.051, F.S.,<sup>30</sup> directing utilities to purchase power from cogenerators or small power producers.<sup>31</sup>

### ***Full Avoided Costs***

A utility's full avoided cost is the incremental costs of electric energy or capacity, which, but for the purchase from cogenerators or small power producers, the utility would have to generate itself or purchase from another source.<sup>32</sup> Traditionally, the PSC has approved electric utility power purchase contracts that include provisions for payment, capacity, and energy based upon either the utility's cost to construct and operate its next planned generating unit or the cost of purchasing capacity and energy from generating units owned by other utilities in the interchange market.<sup>33</sup>

### **Power Purchase Agreements**

#### ***Standard Offer Contract***

IOUs must annually establish and file with the PSC a standard offer contract<sup>34</sup> with terms, conditions, and payments based on projected costs for each fossil-fueled generating unit type identified in the IOU's 10-year site plan.<sup>35</sup> Payment terms and conditions for QFs are based on the projected cost to construct and operate the IOU's next planned generation unit.<sup>36</sup> Essentially, the next planned unit becomes an avoided unit and the basis for the avoided costs.

#### ***Negotiated Contracts***

The standard offer contract provides a basis for developing negotiated contracts.<sup>37</sup> Rule 25-17.240 of the Florida Administrative Code encourages IOUs and generating facilities to negotiate contracts for firm capacity and energy to provide fuel diversity, fuel price stability, and energy security.

The PSC addresses petitions by IOUs for approval of cost recovery of negotiated contracts between the IOU and the QFs.<sup>38</sup> The PSC's review considers various matters including whether

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<sup>30</sup> Chapter 89-292, s. 4, Laws of Fla.

<sup>31</sup> Rule 25-17.082 of the Florida Administrative Code, is the PSC's rule on the utility's obligation to purchase.

<sup>32</sup> Section 366.051, F.S.

<sup>33</sup> PSC, *States' Electric Restructuring Activities Update: Wholesale Sales*

<http://www.psc.state.fl.us/Publications/ElectricRestructuringDetails#4> (last visited Jan. 24, 2022).

<sup>34</sup> The following are the most recent PSC orders approving the standard offer contracts for the following investor owned electric utility companies (IOUs): FPL: <http://www.floridapsc.com/library/filings/2021/07682-2021/07682-2021.pdf>; Duke Energy Florida (Duke): <http://www.floridapsc.com/library/filings/2021/08111-2021/08111-2021.pdf>; Tampa Electric Company (TECO): <http://www.floridapsc.com/library/filings/2021/08419-2021/08419-2021.pdf>; and Gulf: <http://www.floridapsc.com/library/filings/2021/07681-2021/07681-2021.pdf> (last visited Jan. 24, 2022).

<sup>35</sup> Fla. Admin. Code R. 25-17.250. Each electric utility must submit a 10-year site plan to the PSC, estimating the utility's power generating needs and general locations for proposed power plant sites over a 10-year planning horizon. Section 186.801, F.S.; PSC, *Review of The 2021 Ten-Year Site Plan of Florida's Electric Utilities*, p. 9, <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2021/Review.pdf> (last visited Jan. 24, 2022).

<sup>36</sup> See PSC, *2022 Legislative Bill Analysis for SB 1764*, p. 1 (Jan. 20, 2022) (on file with the Senate Committee on Regulated Industries).

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*



the contract is at or below the IOU's avoided cost and will be considered prudent if it can be reasonably expected to defer or avoid an additional generation unit.<sup>39</sup>

### ***As-available contract***

"As-available" (AA) energy contracts are an option for QFs, including municipal solid waste-to-energy (MSWE) facilities.<sup>40</sup> These contracts are not subject to the PSC's approval but must be filed with the PSC within ten working days of being signed.<sup>41</sup> As-available energy is energy produced and sold on an hour-by-hour basis for which contractual commitments regarding the quantity and time of delivery are not required.<sup>42</sup> As-available energy is purchased at a rate equal to the utility's hourly incremental system fuel cost, which reflects the highest fuel cost of generation each hour.<sup>43</sup>

According to the PSC, the following four facilities receive as-available energy cost payments from FPL:

- Broward County Resource Recovery – South AA QF;
- Brevard County;
- Miami Dade Resource Recovery; and
- Lee County Solid Waste.

### ***Firm Capacity Payments***

If a QF can meet certain contractual provisions as to the quantity, time, and electricity delivery reliability, it is eligible for both capacity payments and energy payments under a firm contract.<sup>44</sup> Capacity is the maximum electric output, in megawatts, that an electricity generator can produce under ideal conditions.<sup>45</sup>

To promote alternative and renewable energy generation, the PSC requires IOUs to offer multiple capacity payment options, including early payments or levelized payments.<sup>46</sup> The different payment options allow QFs flexibility to best meet their financial needs.<sup>47</sup> If an early capacity payment option is selected, then the QF will begin receiving capacity payments earlier than the in-service date of the avoided unit and payments will generally be lower in the later years of the contract.<sup>48</sup>

According to the PSC, the following six facilities are operating under active firm contracts with their host IOU:

- Pinellas County Resource Recovery, with Duke, ending December 2024;

<sup>39</sup> Fla. Admin. Code R. 25-17.240; PSC, *supra* note 36, at p. 2.

<sup>40</sup> PSC, *supra* note 36, at p. 1.

<sup>41</sup> Fla. Admin. Code R. 25-17.0825(1)(b); PSC, *supra* note 36, at p. 2.

<sup>42</sup> Fla. Admin. Code R. 25-17.0825.

<sup>43</sup> Fla. Admin. Code R. 25-17.0825(2)(a); PSC, *supra* note 36, at p. 2.

<sup>44</sup> Fla. Admin. Code R. 25-17.0832(1); PSC, *supra* note 36, at p. 1.

<sup>45</sup> See U.S. EIA, *What is the difference between electricity generation capacity and electricity generation?*, <https://www.eia.gov/tools/faqs/faq.php?id=101&t=3> (last visited Jan. 24, 2022).

<sup>46</sup> PSC, *supra* note 36, at p. 1.

<sup>47</sup> *Id.*

<sup>48</sup> See Notice of Proposed Agency Action Order Approving Revised Standard Offer Contract, p. 2, <http://www.floridapsc.com/library/filings/2021/07682-2021/07682-2021.pdf> (last visited Jan. 24, 2022).

- Pasco County Resource Recovery, with Duke, ending December 2024;
- Broward County Resource Recovery – South QF, with FPL, ending December 2026;
- Palm Beach County Solid Waste Authority 1, with FPL, ending March 2034;
- Palm Beach County Solid Waste Authority 2, with FPL, ending March 2034; and
- Bay County/Engen LLC, with FPL/Gulf, ending July 2023.<sup>49</sup>

### III. Effect of Proposed Changes:

The bill provides a preamble stating:

- It is in the public interest to promote the development of renewable energy resources in Florida, under s. 366.91, F.S.;
- Municipal solid waste-to-energy (MSWE) facilities using biomass as fuel or an energy source are deemed to be producing renewable energy, under s. 366.91, F.S.;
- MSWE facilities provide a practical and sustainable solution to reducing landfill waste, reducing volume by about 87 percent;
- The Legislature recognizes the benefits that MSWE facilities contribute to Florida and its local communities; and
- The Legislature intends to incentivize the production and sale of energy from MSWE facilities through grant programs.

**Section 1** creates s. 377.814, F.S., establishing the MSWE Program, within the Department of Agriculture and Consumer Services (DACS), comprised of a financial assistance grant program and an incentive grant program.

The stated purpose of the program is to provide financial assistance grants and incentive grants to MSWE facilities in order to incentivize the production and sale of energy and reduce waste disposed of in landfills.

The bill defines the following terms as follows:

- “Department” to mean the DACS.
- “Municipal solid waste-to-energy facility” to mean publicly owned or government affiliate-owned facilities using an enclosed device with controlled combustion to thermally break down solid waste to an ash residue containing little or no combustible material, producing electricity, steam, or other energy. It does not include facilities primarily burning fuels other than solid waste; nor facilities primarily burning vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

The Financial Assistance Grant will provide qualifying MSWE facilities with annual financial assistance at a rate of two cents per kilowatt-hour of electricity purchased by an electric utility during the preceding state fiscal year, not to exceed the difference between the total capacity and energy payment the MSWE facility received during the last year of the power purchase agreement entered into before January 1, 2022, and the total of the capacity and energy payment the MSWE facility received under a new or amended power purchase agreement during the

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<sup>49</sup> PSC, *supra* n. 36, p. 2.

preceding state fiscal year. If funds are insufficient to cover every qualifying kilowatt-hour from all qualifying applicants, the DACS must prorate the available funds on an equitable basis, taking into consideration the commercial retail rate within the applicable service territory.

To qualify, the facility must have previously entered into a power purchase agreement with an electric utility before January 1, 2022, that included capacity and energy payments, and the owner of the facility has entered into a new or amended power purchase agreement that either no longer includes capacity payments or includes capacity and energy payments in an amount less than the total of the capacity and energy payments the MSWE facility received under the power purchase agreement entered into before January 1, 2022.

To apply for the grant, the facility owner must submit an application to the DACS, including the MSWE facility's name, the name of the utility purchasing the electric power from the facility, the total capacity and energy payment the facility received during the last year of the power purchase agreement entered into before January 1, 2022, and the amount of energy delivered to and the total amount paid for such power by the utility pursuant to the new or amended power purchase agreement during the preceding state fiscal year.

The bill requires the DACS to establish a process in coordination with the Public Service Commission (PSC) to verify eligibility and the amount of energy purchased from the facility.

The incentive grant will provide facilities with matching funds on a dollar-for-dollar basis to assist with planning and design for constructing, upgrading, or expanding MSWE facilities, including necessary legal or administrative expenses.

To qualify, the facility owner must apply to the DACS and demonstrate that the project is cost-effective, permissible, and implementable and complies with s. 403.7061, F.S., which establishes the requirements for review of new waste-to-energy (WTE) facility capacity by the Department of Environmental Protection (DEP).

The bill requires the DEP to assist the DACS with determining eligibility and with establishing requirements to ensure long-term and efficient operation and maintenance of such facilities.

The DACS must perform adequate overview of applications and awards, including technical review, regular inspections, disbursement approvals, and auditing. If the DACS determines that program requirements are not being met, the bill requires termination or repayment of incentive grant funds.

The bill prohibits funds awarded under the incentive grant program from being used to promote, establish, or convert a residential collection system that does not provide for the separate collection of residential solid waste from recovered materials that have a recycling potential, such as metal, paper, glass, plastic, textile, or rubber materials.

The bill requires appropriated funds to be used first for financial assistance grants and then remaining funds may be used for incentive grants.

The bill requires the DACS to adopt rules to implement and administer the program. The rules must:

- Establish an application processes for both grant types;
- Include application deadlines; and
- Establish supporting documentation to be provided to the DACS.

Rules for the financial assistance grant program must be developed by the DACS in consultation with the PSC. Rules for the incentive grant program must be developed by the DACS in consultation with the DEP.

**Section 2** appropriates \$100 million in recurring funds from the General Revenue Fund to the DACS for the 2022-2023 fiscal year for the MSWE Grant Program. Funds appropriated for the MSWE Grant Program which are not disbursed by the end of the fiscal year in which the funds were appropriated, may be carried forward for up to five years.

**Section 3** appropriates the sums of \$149,832 in recurring funds and \$9,984 in nonrecurring funds from the General Revenue Fund, and authorizes two full-time equivalent positions to the DACS to administer the MSWE grant program.

**Section 4** provides that the bill is effective July 1, 2022.

#### **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 result in a positive impact to private companies that own a government affiliated waste-to-energy facility and qualify for a grant.

**C. Government Sector Impact:**

The bill may result in a positive impact to counties that own a municipal solid waste-to-energy facility that qualify for funds under the grant program.

The bill appropriates \$100 million in recurring general revenue to the Department of Agriculture and Consumer Services (DACS) to fund the Municipal Solid Waste-to-Energy Grant Program. Funds appropriated for the program which are not disbursed by the end of the fiscal year in which the funds were appropriated, may be carried forward for up to five years.

Per the DACS, two positions and expenses totaling \$159,816 from the General Revenue Fund will be necessary to carry out the provisions of the bill.<sup>50</sup> The bill appropriates \$149,832 in recurring funds and \$9,984 in nonrecurring funds from the General Revenue Fund, and authorizes two full-time equivalent positions to the DACS to implement and administer the grant program.

The Public Service Commission (PSC) is required to assist the DACS to aid in the verification of grant eligibility and award amounts. The PSC anticipates any additional workload can be handled by existing staff.<sup>51</sup>

The bill requires the Department of Environmental Protection (DEP) to assist the DACS with determining eligibility and establishing requirements to ensure long-term and efficient operation and maintenance of the waste-to-energy facilities. The DEP has indicated this assistance can be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 377.814 of the Florida Statutes.

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<sup>50</sup> Department of Agriculture and Consumer Services, *Bill Analysis of SB 1764* (Jan. 24, 2022) (on file with the Senate Appropriations Subcommittee on Agriculture, Environment, and General Government).

<sup>51</sup> PSC, *supra* note 36, at p. 4.

**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 Appropriations on February 21, 2022:**

The committee substitute:

- Clarifies grant eligibility and more accurately determines amounts eligible for distribution to qualifying applicants;
- Allows funds appropriated for the Municipal Solid Waste-to-Energy Program that are not disbursed by the end of the fiscal year in which they were appropriated, to be carried forward for up to five years;
- Appropriates \$159,816 from the General Revenue Fund, and authorizes two full-time equivalent positions to the Department of Agriculture and Consumer Services to administer the grant program; and
- Prohibits funds awarded under the grant program from being used to promote, establish, or convert a residential collection system that does not provide for the separate collection of residential solid waste from recovered materials that have recycling potential, such as metal, paper, glass, plastic, textile, or rubber materials.

- B. **Amendments:**

None.

By Senator Albritton

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1 A bill to be entitled  
 2 An act relating to the Municipal Solid Waste-to-Energy  
 3 Program; creating s. 377.814, F.S.; creating the  
 4 Municipal Solid Waste-to-Energy Program within the  
 5 Department of Agriculture and Consumer Services for a  
 6 specified purpose; defining terms; requiring the  
 7 department, subject to appropriation, to provide  
 8 financial assistance grants to municipal solid waste-  
 9 to-energy facilities that meet certain requirements;  
 10 requiring the department to distribute funds to  
 11 qualifying applicants based on certain criteria;  
 12 requiring the department to establish a process to  
 13 verify the amount of certain electric power purchases;  
 14 directing the Public Service Commission to provide  
 15 assistance in verifying grant eligibility; requiring  
 16 the department, subject to appropriation, to provide  
 17 incentive grants to municipal solid waste-to-energy  
 18 facilities to assist with certain costs; specifying  
 19 requirements for applying for the funding; requiring  
 20 the Department of Environmental Protection to provide  
 21 assistance in determining grant eligibility and  
 22 establishing requirements; requiring the department to  
 23 perform grant overview; establishing priority for  
 24 funding for the grants; requiring the Department of  
 25 Agriculture and Consumer Services to adopt rules;  
 26 providing an appropriation; providing an effective  
 27 date.  
 28  
 29 WHEREAS, as provided in s. 366.91(1), Florida Statutes, the

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

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30 Legislature has determined that it is in the public interest to  
 31 promote the development of renewable energy resources in this  
 32 state, and  
 33 WHEREAS, under s. 366.91, Florida Statutes, municipal solid  
 34 waste-to-energy facilities that use biomass as a fuel or energy  
 35 source are deemed to be producing renewable energy, and  
 36 WHEREAS, municipal solid waste-to-energy facilities provide  
 37 a practical and sustainable solution to reducing landfill waste,  
 38 reducing volume by about 87 percent, and  
 39 WHEREAS, the Legislature recognizes the benefits that  
 40 municipal solid waste-to-energy facilities contribute to the  
 41 state and its local communities, and  
 42 WHEREAS, the Legislature intends to incentivize the  
 43 production and sale of energy from municipal solid waste-to-  
 44 energy facilities through grant programs, NOW, THEREFORE,  
 45  
 46 Be It Enacted by the Legislature of the State of Florida:  
 47  
 48 Section 1. Section 377.814, Florida Statutes, is created to  
 49 read:  
 50 377.814 Municipal Solid Waste-to-Energy Program.—  
 51 (1) CREATION AND PURPOSE OF THE PROGRAM.—The Municipal  
 52 Solid Waste-to-Energy Program is created within the department.  
 53 The purpose of the program is to provide financial assistance  
 54 grants and incentive grants to municipal solid waste-to-energy  
 55 facilities to incentivize the production and sale of energy from  
 56 municipal solid waste-to-energy facilities while also reducing  
 57 the amount of waste that would otherwise be disposed of in a  
 58 landfill.

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

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(2) DEFINITIONS.—For purposes of this section, the term:

(a) "Department" means the Department of Agriculture and Consumer Services.

(b) "Municipal solid waste-to-energy facility" means a publicly owned or government affiliate-owned facility that uses an enclosed device using controlled combustion to thermally break down solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term does not include facilities that primarily burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

(3) FINANCIAL ASSISTANCE GRANT PROGRAM.—The department, subject to appropriation, shall provide financial assistance grants to municipal solid waste-to-energy facilities that have entered into a power purchase agreement with an electric utility which includes capacity payments and the municipal solid waste-to-energy facility will no longer receive capacity payments under the agreement.

(a) To receive a financial assistance grant, the owner of a municipal solid waste-to-energy facility must submit an application to the department. The application must include the name of the applicant's municipal solid waste-to-energy facility and how much energy has been purchased from the facility by an electric utility during the preceding state fiscal year.

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(b) The department shall distribute funds, subject to appropriation, to each qualifying applicant at a rate of 2 cents per kilowatt-hour of electric power purchased by an electric utility during the preceding state fiscal year, not to exceed the difference between the electric utility's avoided cost and the commercial retail rate. To the extent that funds are not available to provide financial assistance to each qualifying applicant for every qualifying kilowatt-hour purchased, the department shall prorate the funds on an equitable basis, taking into consideration the commercial retail rate within the applicable service territory.

(c) The department shall establish a process to verify the amount of electric power purchased from a municipal solid waste-to-energy facility by an electric utility during each preceding state fiscal year. The Public Service Commission shall provide assistance to the department to help verify grant eligibility and award amounts and to ensure that the sum, per kilowatt-hour, of the award plus the electric utility's purchase at the avoided cost, do not exceed the applicable commercial retail rate within the service territory.

(4) INCENTIVE GRANT PROGRAM.—The department, subject to appropriation, shall provide incentive grants to municipal solid waste-to-energy facilities to assist with the planning and designing for constructing, upgrading, or expanding a municipal solid waste-to-energy facility, including necessary legal or administrative expenses.

(a) To qualify for an incentive grant, the owner of a municipal solid waste-to-energy facility must apply to the department for funding; provide matching funds on a dollar-for-



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117 dollar basis; and demonstrate that the project is cost-  
118 effective, permittable, and implementable and complies with s.  
119 403.7061.

120 (b) The Department of Environmental Protection shall  
121 provide assistance to the department in determining the  
122 eligibility of grant applications and establishing requirements  
123 to ensure the long-term and efficient operation and maintenance  
124 of facilities constructed or expanded under an incentive grant.

125 (c) The department shall perform adequate overview of each  
126 grant application and grant award, including technical review,  
127 regular inspections, disbursement approvals, and auditing, to  
128 implement this section.

129 (d) The department shall require the termination or  
130 repayment of incentive grant funds if the department determines  
131 that program requirements are not being met.

132 (5) FUNDING.—Funds appropriated for the Municipal Solid  
133 Waste-to-Energy Program must first be used for financial  
134 assistance grants. Any funds remaining in a state fiscal year  
135 after disbursement to all qualifying applicants may be used to  
136 fund the incentive grant program.

137 (6) RULES.—The department shall adopt rules to implement  
138 and administer this section, including establishing grant  
139 application processes for financial assistance grants and  
140 incentive grants. The rules shall include application deadlines  
141 and establish the supporting documentation necessary to be  
142 provided to the department. In adopting rules relating to the  
143 financial assistance grant program, the department shall consult  
144 the Public Service Commission. In adopting rules for the  
145 incentive grant program, the department shall consult the

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146 Department of Environmental Protection.

147 Section 2. For the 2022-2023 fiscal year, the sum of \$100  
148 million in recurring funds is appropriated from the General  
149 Revenue Fund to the Department of Agriculture and Consumer  
150 Services for the Municipal Solid Waste-to-Energy Program, as  
151 provided in s. 377.814, Florida Statutes.

152 Section 3. This act shall take effect July 1, 2022.

The Florida Senate

APPEARANCE RECORD

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

2/21/22

Meeting Date

SB 1764

Bill Number or Topic

Appropriations

Committee

564838

Amendment Barcode (if applicable)

Name <sup>11</sup> v Kevin Cleary

Phone

Address 215 South Monroe St.  
Street

Email

Tallahassee FL 32301  
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

WestRock

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

1764

Bill Number or Topic

Appro

Committee

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Phone

Address

134 E Colonial Dr

Email

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Rising

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/2022

Meeting Date

1764

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

850-321-9386

Address

579 E. Call St.

Email

fctep@yahoo.com

Street

Tallahassee, FL

City

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Earth Justice

☐

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

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

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

S-001 (08/10/2021)

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

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

---

Prepared By: The Professional Staff of the Committee on Appropriations

---

BILL: CS/SB 1808

INTRODUCER: Appropriations Committee; and Senators Bean and Rodrigues

SUBJECT: Immigration Enforcement

DATE: February 23, 2022

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. E. Davis	Cibula	JU	<b>Favorable</b>
2. N. Davis/Kolich	Sadberry	AP	<b>Fav/CS</b>
3. _____	_____	RC	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1808 amends the federal immigration enforcement laws that were enacted in 2019. The laws prohibit sanctuary policies and seek to ensure that state and local entities and law enforcement agencies cooperate with federal government officials to enforce, and not obstruct, immigration laws.

The bill changes three areas of the existing immigration enforcement statutes. Specifically, the bill:

- Expands the definition of “sanctuary policy” to include any law, policy, practice, procedure, or custom of any state or local governmental entity that prohibits a law enforcement agency from providing to any *state entity* information on the immigration status of a person in the custody of the law enforcement agency.
- Requires each law enforcement agency that operates a county detention facility to enter into a “287(g) Agreement” with United States Immigration and Customs Enforcement (ICE) by January 1, 2023.
- Prohibits state and local governmental entities from contracting with common carriers or contracted carriers that willfully transport a person into the state knowing the person is an unauthorized alien, except to facilitate the detention, removal, or departure of the person from the state or the United States. The bill also specifies that contracts, including a grant agreement or economic incentive program payment agreement, must include certain provisions attesting that the common carrier or contracted carrier is not, and will not,

willfully provide the prohibited services to a person knowing the person is an unauthorized alien.

The bill does not appear to have a fiscal impact on state revenues or expenditures.

## II. Present Situation:

### Federal Immigration Enforcement Statutes

In 2019, the Legislature passed federal immigration enforcement legislation.<sup>1</sup> The act sought to ensure that state and local entities and law enforcement agencies cooperate with federal government officials to enforce, and not obstruct, immigration laws. In its most general and broad terms, the law prohibits sanctuary policies and requires law enforcement agencies to support the enforcement of federal immigration law. When local law enforcement agencies work with federal immigration officials, aliens who have committed serious crimes are more easily identified and removed.

### *Definition of Sanctuary Policy*

Section 908.102(6), F.S., defines a “sanctuary policy” as:

A law, policy, practice, procedure, or custom that is adopted or allowed by a state entity or local governmental entity which:

- Prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373;<sup>2</sup> or
- Prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit the law enforcement agency in, or prohibit the agency from:
  - Complying with an immigration detainer;
  - Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;
  - Providing a federal immigration agency access to an inmate for interview;
  - Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357; or
  - Providing a federal immigration agency with an inmate's incarceration status or release date.

---

<sup>1</sup> Chapter 2019-102, Laws of Fla. The law was challenged in *City of South Miami v. DeSantis*, --- F.Supp.3d ---, 2021WL 4272017 (S.D. Fla. Sept. 21, 2021). Three provisions were enjoined but severable from the remainder of the law. The case was appealed to the Eleventh Circuit Court of Appeals on October 20, 2021, and is now pending.

<sup>2</sup> 8 U.S.C. s. 1373 addresses communication between government agencies and the Immigration and Naturalization Service. The statute provides, in part:

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

## ***Immigration Enforcement Assistance Agreements***

### Overview

The Immigration and Nationality Act<sup>3</sup> contains a provision in s. 287(g) which established what is commonly referred to today as the “ICE 287(g) Program” (program). The program is a delegation of federal authority that authorizes the Director of ICE to enter into a partnership agreement with a state or local law enforcement entity. Under the terms of the agreement, designated law enforcement officers, who are specially trained and supervised, may perform limited immigration law enforcement activities within their respective jurisdictions. The agreements permit state and local law enforcement officers to identify, arrest, and serve warrants and detainers on individuals who are foreign-born and have criminal charges or convictions.<sup>4</sup>

### 2019 State Immigration Enforcement Laws

Section 908.106, F.S., requires each county correctional facility to enter into an agreement with a federal immigration agency for the temporary housing and payment of costs for people who are the subject of immigration detainers. Since the 2019 immigration enforcement laws were enacted, most of the state’s sheriffs have entered into 287(g) agreements with ICE to work cooperatively with the federal government to enforce federal immigration laws.

### Two 287(g) Models

The ICE website lists two types of 287(g) models: the Jail Enforcement Model (JEM) and, the more limited, Warrant Service Officer Model (WSO).

The JEM “is designed to identify and process removable noncitizens with criminal or pending criminal charges who are arrested by state or local” law enforcement agencies. The local ICE Office of Enforcement and Removal Operation Field Office supervises the program and local law enforcement officers are trained at the Federal Law Enforcement Training Center ICE Academy located in Charleston, South Carolina.<sup>5</sup>

The WSO model is described as a narrower cooperative agreement. Under the provisions of this model, state and local law enforcement officers are “trained, certified, and authorized by ICE to perform limited functions of an immigration officer within the law enforcement agency’s jail and/or correctional facilities” as described in the memorandum of agreement. Officers who are nominated for the program are trained by certified instructors at a location that is located near the law enforcement agency.<sup>6</sup>

### Data

For Fiscal Year 2021, ICE reports that 287(g) programs accounted for the following encounters involving noncitizens:

- 394 persons convicted for assault;

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<sup>3</sup> 8 U.S. Code s. 1101 *et seq.*

<sup>4</sup> U.S. Immigration and Customs Enforcement, *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, (updated Dec. 15, 2021), available at <https://www.ice.gov/identify-and-arrest/287g> (last visited Feb. 14, 2022).

<sup>5</sup> *Id.*, “Types of Models.”

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

- 646 persons convicted for dangerous drugs;
- 74 persons convicted for sexual offenses or assaults;
- 53 persons convicted for obstructing police;
- 91 persons convicted for weapon offenses; and
- 21 persons convicted for homicide.<sup>7</sup>

According to ICE, as of November, 2021:

- 66 law enforcement agencies in 19 states have entered into 287(g) JEM agreements; and
- 76 law enforcement agencies in 11 states have entered into 287(g) WSO agreements.<sup>8</sup>

#### Florida Law Enforcement Counties or Departments with 287(g) Agreements

The following 48 law enforcement agencies or counties in Florida have entered into 287(g) agreements:

- WSO Agreements:
  - Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Columbia, DeSoto, Flagler, Franklin, Hamilton, Hendry, Hernando, Highland, Holmes, Indian River, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee, Osceola, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Wakulla, and Walton Counties.
- JEM Agreements:
  - Clay, Collier, Hernando, Jacksonville-Duval, and Pasco Counties, and the Florida Department of Corrections.

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

The bill makes three changes to the existing immigration enforcement statutes. The bill:

- Amends the definition of “sanctuary policy.”
- Requires each law enforcement agency operating a county detention facility to enter into a 287(g) agreement with ICE.
- Prohibits state and local governmental entities from contracting with common carriers or contracted carriers that willfully transport a person into Florida knowing the person is an unauthorized alien, except to facilitate the detention, removal, or departure of the person from the state or the United States. The bill also specifies that contracts, including a grant agreement or economic incentive program payment agreement, must include certain provisions attesting that the common carrier or contracted carrier is not, and will not, willfully provide the prohibited services to a person knowing the person is an unauthorized alien.

#### **Definition of Sanctuary Policy (Section 1)**

The bill expands the definition of “sanctuary policy” by adding a sixth element to the definition. The definition is expanded to include any law, policy, practice, procedure, or custom of any state or local government entity that prohibits or impedes a law enforcement agency from providing to

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<sup>7</sup> *Id.*, “287(g) Successes.”

<sup>8</sup> *Id.*, “Participating Entities.”



any *state entity* information on the immigration status of an inmate or detainee in the custody of the law enforcement agency.

### **Immigration Enforcement Assistance Agreements (Section 2)**

By January 1, 2023, each law enforcement agency that operates a county detention facility is required to enter into a 287(g) agreement with ICE. However, the bill does not specify which model program the law enforcement agency must choose.

### **Common Carrier and Contracted Carrier Contracts (Section 3)**

The final section of the bill defines the terms common carrier,<sup>9</sup> contract,<sup>10</sup> governmental entity,<sup>11</sup> and unauthorized alien<sup>12</sup> and provides contract specifications for governmental entities that enter into contracts with common carriers or contracted carriers.

Under this section, a governmental entity may not execute, amend, or renew a contract with a common carrier or contracted carrier if the carrier is willfully providing any service in furtherance of transporting a person into the state knowing that the person is an unauthorized alien, except to facilitate the detention, removal, or departure of the person from the state or the United States.

Additionally, each contract executed, amended, or renewed between a governmental entity and a common carrier or contracted carrier on or after October 1, 2022, including a grant agreement or economic incentive program payment agreement, must include:

- An attestation<sup>13</sup> by the common carrier or contracted carrier that it is not willfully providing and will not willfully provide any service during the term of the contract in furtherance of

<sup>9</sup> The bill defines “common carrier” to mean a person, firm, or corporation that undertakes for hire, as a regular business, to transport persons or commodities from place to place, offering his or her services to all such as may choose to employ the common carrier and pay his or her charges.

<sup>10</sup> The bill defines “contract” to mean a contract that is subject to the competitive procurement requirements of the contracting governmental entity or a contract for an amount or duration requiring it to include written provisions under the procurement requirements of the governmental entity.

<sup>11</sup> The bill defines “governmental entity” to mean an agency of the state, a regional or a local government created by the State Constitution or by general or special act, a county or municipality, or any other entity that independently exercises governmental authority.

<sup>12</sup> The bill defines “unauthorized alien” to mean a person who is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq. The term is to be interpreted consistently with applicable federal statutes, rules or regulations.

<sup>13</sup> The attestation must conform with the provisions of s. 92.525, F.S. which states, in part:  
92.525 Verification of documents; perjury by false written declaration, penalty.—

(1) If authorized or required by law, by rule of an administrative agency, or by rule or order of court that a document be verified by a person, the verification may be accomplished in the following manner:

(a) Under oath or affirmation taken or administered before an officer authorized under s. 92.50 to administer oaths;  
(b) Under oath or affirmation taken or administered by an officer authorized under s. 117.10, to administer oaths; or  
(c) By the signing of the written declaration prescribed in subsection (2).

(2) A written declaration means the following statement: “Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true,” followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words “to the best of my knowledge and belief” may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.

transporting a person into the state knowing that the person is an unauthorized alien, except to facilitate the detention, removal, or departure of the person from the state or the United States. A governmental entity is deemed to be in compliance with these provisions upon receipt of the common carrier's attestation.

- A provision for termination for cause of the contract, grant agreement, or economic incentive program payment agreement if a common carrier or contracted carrier is found in violation of its attestation.

The Department of Management Services is required to develop by rule, no later than August 30, 2022, a common carrier and contracted carrier attestation form.

#### **Effective Date (Section 4)**

The bill takes effect upon becoming a law.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

A. Tax/Fee Issues:

None.

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(3) A person who knowingly makes a false declaration under subsection (2) is guilty of the crime of perjury by false written declaration, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**B. Private Sector Impact:**

The bill prohibits a governmental entity in Florida from entering into a contract with a common carrier or contracted carrier if such common carrier or contracted carrier willfully provides any service in furtherance of transporting a person into the state knowing the person is an unauthorized alien; however, a governmental entity in the state may contract with a common carrier or contracted carrier that provides services to facilitate the detention, removal, or departure of the person. The fiscal impact of the bill to common carriers and contracted carriers is indeterminate, since it is unknown how many governmental entities in Florida have existing contracts with common carriers or contracted carriers and will choose to contract for such services in the future.

**C. Government Sector Impact:**

The bill may have an indeterminate negative fiscal impact on a local government that provides funding to a law enforcement agency that is not currently participating in a 287 (g) agreement by requiring the local government to expend funds enforcing immigration law in partnership with ICE.

According to the Florida Department of Law Enforcement (FDLE), the FDLE's Office of Statewide Intelligence will be designated to receive quarterly reports required under the bill. The FDLE does not regularly communicate with county detention facilities for these purposes, and as a result will need to develop policies and procedures for the intake and storage of the reports.<sup>14</sup> However, the impact of this bill does not necessitate additional full-time equivalent positions or resources.<sup>15</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 908.102 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 908.11 and 908.111.

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<sup>14</sup> See FDLE, *2022 Agency Legislative Bill Analysis for SB 1808* at 5 (Jan. 19, 2022) (on file with the Senate Appropriations).

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

**IX. Additional Information:**

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

**CS by Appropriations on February 21, 2022:**

The committee substitute:

- Clarifies the bill applies to contracts that are subject to a governmental entity's competitive procurement requirements.
- Includes "contracted carriers" to provisions in the bill that prohibit governmental entities from doing business with common carriers.
- Provides that governmental entities in Florida may contract with common carriers or contracted carriers that provide services to facilitate the detention, removal, or departure of unauthorized aliens from Florida or the United States.
- Corrects a cross-reference to clarify that an unauthorized alien is a person who is unlawfully present in the United States.

- B. **Amendments:**

None.



444482

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2022	.	
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The Committee on Appropriations (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (6) of section 908.102, Florida  
Statutes, is amended to read:

908.102 Definitions.—As used in this chapter, the term:

(6) "Sanctuary policy" means a law, policy, practice,  
procedure, or custom adopted or allowed by a state entity or  
local governmental entity which prohibits or impedes a law



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enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:

(a) Complying with an immigration detainer;

(b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;

(c) Providing a federal immigration agency access to an inmate for interview;

(d) Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357 as required by s. 908.11; or

(e) Providing a federal immigration agency with an inmate's incarceration status or release date; or

(f) Providing information to a state entity on the immigration status of an inmate or detainee in the custody of the law enforcement agency.

Section 2. Section 908.11, Florida Statutes, is created to read:

908.11 Immigration enforcement assistance agreements; reporting requirement.—

(1) By January 1, 2023, each law enforcement agency operating a county detention facility must enter into a written agreement with the United States Immigration and Customs Enforcement to participate in the immigration program established under s. 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357. This subsection does not require a law enforcement agency to participate in a particular program model.



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(2) Beginning no later than October 1, 2022, and until the law enforcement agency enters into the written agreement required under subsection (1), each law enforcement agency operating a county detention facility must notify the Department of Law Enforcement quarterly of the status of such written agreement and any reason for noncompliance with this section, if applicable.

Section 3. Section 908.111, Florida Statutes, is created to read:

908.111 Prohibition against governmental entity contracts with common carriers; required termination provisions.—

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

(a) "Common carrier" means a person, firm, or corporation that undertakes for hire, as a regular business, to transport persons or commodities from place to place, offering his or her services to all such as may choose to employ the common carrier and pay his or her charges.

(b) "Contract" means a contract that is subject to the competitive procurement requirements of the contracting governmental entity or a contract for an amount or duration requiring it to include written provisions under the procurement requirements of the governmental entity.

(c) "Governmental entity" means an agency of the state, a regional or local government created by the State Constitution or by a general or special act, a county or municipality, or any other entity that independently exercises governmental authority.

(d) "Unauthorized alien" means a person who is unlawfully present in the United States according to the terms of the



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federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq. The term shall be interpreted consistently with any applicable federal statutes, rules, or regulations.

(2) A governmental entity may not execute, amend, or renew a contract with a common carrier or contracted carrier if the carrier is willfully providing any service in furtherance of transporting a person into the State of Florida knowing that the person is an unauthorized alien, except to facilitate the detention, removal, or departure of the person from this state or the United States.

(3) A contract between a governmental entity and a common carrier or contracted carrier which is executed, amended, or renewed on or after October 1, 2022, including a grant agreement or economic incentive program payment agreement, must include:

(a) An attestation by the common carrier or contracted carrier, in conformity with s. 92.525, that the common carrier or contracted carrier is not willfully providing and will not willfully provide any service during the contract term in furtherance of transporting a person into this state knowing that the person is an unauthorized alien, except to facilitate the detention, removal, or departure of the person from this state or the United States. A governmental entity is deemed to be in compliance with subsection (2) upon receipt of the common carrier's attestation; and

(b) A provision for termination for cause of the contract, grant agreement, or economic incentive program payment agreement if a common carrier or contracted carrier is found in violation of its attestation.

(4) The Department of Management Services shall develop by





444482

rule a common carrier and contracted carrier attestation form no  
later than August 30, 2022.

Section 4. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to immigration enforcement; amending  
s. 908.102, F.S.; revising the definition of the term  
"sanctuary policy" to include specified laws,  
policies, practices, procedures, or customs that limit  
or prohibit a law enforcement agency from providing  
specified immigration information to a state entity;  
creating s. 908.11, F.S.; requiring each law  
enforcement agency operating a county detention  
facility to enter into a specified agreement with the  
United States Immigration and Customs Enforcement to  
assist with immigration enforcement; requiring such  
agency to report specified information concerning such  
agreement quarterly to the Department of Law  
Enforcement; creating s. 908.111, F.S.; providing  
definitions; prohibiting a governmental entity from  
executing, amending, or renewing a contract with  
common carriers or contracted carriers under certain  
circumstances; requiring specified governmental entity  
contracts with common carriers or contracted carriers  
to include specified provisions on or after a certain



444482

127        date; requiring the Department of Management Services  
128        to develop a specified form; providing an effective  
129        date.



677652

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/22/2022	.	
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The Committee on Appropriations (Rouson) recommended the following:

**Senate Amendment to Amendment (444482) (with title amendment)**

Delete lines 5 - 28.

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

And the title is amended as follows:

Delete lines 107 - 112

and insert:

An act relating to immigration enforcement;



799844

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/22/2022	.	
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The Committee on Appropriations (Rouson) recommended the following:

**Senate Amendment to Amendment (444482) (with title amendment)**

Delete lines 47 - 99.

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

And the title is amended as follows:

Delete lines 120 - 128

and insert:

Enforcement; providing an effective



185122

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/22/2022	.	
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The Committee on Appropriations (Stewart) recommended the following:

**Senate Amendment to Amendment (444482)**

In title, after line 129  
insert:

WHEREAS, Article VI, Clause 2 of the United States Constitution, commonly referred to as the Supremacy Clause, states: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in



185122

every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding," and

WHEREAS, under the Supremacy Clause, states are prohibited from interfering with the Federal Government's exercise of its constitutional powers and from assuming any functions that are exclusively entrusted to the Federal Government, and

WHEREAS, the United States Supreme Court has ruled that the Federal Government has broad and exclusive power to regulate immigration, preempting state and local laws that also attempt to do so, and

WHEREAS, the Court held in *Hines v. Davidowitz*, 312 U.S. 52 (1941) that "the regulation of aliens is so intimately blended and intertwined with responsibilities of the national government that where it acts, and the state also acts on the same subject, the act of Congress or treaty is supreme; and the law of the state, though enacted in the exercise of powers not controverted, must yield to it," and

WHEREAS, the Court also held in *Hines* that "where the federal government, in the exercise of its superior authority in this field, has enacted a complete scheme of regulation," the "states cannot, inconsistently with the purpose of Congress, conflict or interfere with, curtail or complement, the federal law, or enforce additional or auxiliary regulations," and

WHEREAS, the State of Florida acknowledges that the Supremacy Clause of the United States Constitution limits a state's ability to prohibit through enforcement action activities of federal officers or agents, including federal contractors, which are expressly authorized by federal law, and



185122

WHEREAS, the Federal Government has a statutory duty to protect and care for the vulnerable children that Congress has placed in its custody and care, and

WHEREAS, the movement of vulnerable immigrant populations into, around, and out of the State of Florida is necessary to fulfill the Federal Government's statutory duties, and

WHEREAS, pursuant to the Supremacy Clause, the State of Florida cannot interfere with or curtail that statutory duty; nor can the State of Florida enforce additional or auxiliary regulations upon federal immigration enforcement processes, and

WHEREAS, where this act is in conflict with federal immigration enforcement efforts, and where this act is inconsistent with the purpose and intent of Congress to care for vulnerable children, federal law takes precedence, NOW, THEREFORE,



256174

LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
02/22/2022	.	
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The Committee on Appropriations (Rouson) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 27 - 50.

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

And the title is amended as follows:

Delete lines 2 - 7

and insert:

An act relating to immigration enforcement;





665684

LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
02/22/2022	.	
	.	
	.	
	.	

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The Committee on Appropriations (Rouson) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 69 - 116.

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

And the title is amended as follows:

Delete lines 15 - 22

and insert:

Enforcement; providing an



413230

LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
02/22/2022	.	
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	.	
	.	

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The Committee on Appropriations (Stewart) recommended the following:

**Senate Amendment**

In title, after line 23  
insert:

WHEREAS, Article VI, Clause 2 of the United States Constitution, commonly referred to as the Supremacy Clause, states: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in



413230

every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding," and

WHEREAS, under the Supremacy Clause, states are prohibited from interfering with the Federal Government's exercise of its constitutional powers and from assuming any functions that are exclusively entrusted to the Federal Government, and

WHEREAS, the United States Supreme Court has ruled that the Federal Government has broad and exclusive power to regulate immigration, preempting state and local laws that also attempt to do so, and

WHEREAS, the Court held in *Hines v. Davidowitz*, 312 U.S. 52 (1941) that "the regulation of aliens is so intimately blended and intertwined with responsibilities of the national government that where it acts, and the state also acts on the same subject, the act of Congress or treaty is supreme; and the law of the state, though enacted in the exercise of powers not controverted, must yield to it," and

WHEREAS, the Court also held in *Hines* that "where the federal government, in the exercise of its superior authority in this field, has enacted a complete scheme of regulation," the "states cannot, inconsistently with the purpose of Congress, conflict or interfere with, curtail or complement, the federal law, or enforce additional or auxiliary regulations," and

WHEREAS, the State of Florida acknowledges that the Supremacy Clause of the United States Constitution limits a state's ability to prohibit through enforcement action activities of federal officers or agents, including federal contractors, which are expressly authorized by federal law, and



413230

WHEREAS, the Federal Government has a statutory duty to protect and care for the vulnerable children that Congress has placed in its custody and care, and

WHEREAS, the movement of vulnerable immigrant populations into, around, and out of the State of Florida is necessary to fulfill the Federal Government's statutory duties, and

WHEREAS, pursuant to the Supremacy Clause, the State of Florida cannot interfere with or curtail that statutory duty; nor can the State of Florida enforce additional or auxiliary regulations upon federal immigration enforcement processes, and

WHEREAS, where this act is in conflict with federal immigration enforcement efforts, and where this act is inconsistent with the purpose and intent of Congress to care for vulnerable children, federal law takes precedence, NOW, THEREFORE,

By Senator Bean

4-01386B-22

20221808\_\_

A bill to be entitled

An act relating to immigration enforcement; amending s. 908.102, F.S.; revising the definition of the term "sanctuary policy" to include specified laws, policies, practices, procedures, or customs that limit or prohibit a law enforcement agency from providing specified immigration information to a state entity; creating s. 908.11, F.S.; requiring each law enforcement agency operating a county detention facility to enter into a specified agreement with the United States Immigration and Customs Enforcement to assist with immigration enforcement; requiring such agency to report specified information concerning such agreement quarterly to the Department of Law Enforcement; creating s. 908.111, F.S.; providing definitions; prohibiting a governmental entity from executing, amending, or renewing a contract with common carriers under certain circumstances; requiring specified governmental entity contracts with common carriers to include specified provisions on or after a certain date; requiring the Department of Management Services to develop a specified form; providing an effective date.

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

Section 1. Subsection (6) of section 908.102, Florida Statutes, is amended to read:

908.102 Definitions.—As used in this chapter, the term:

Page 1 of 5

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

4-01386B-22

20221808\_\_

(6) "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:

(a) Complying with an immigration detainer;

(b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;

(c) Providing a federal immigration agency access to an inmate for interview;

(d) Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357 as required by s. 908.11; ~~or~~

(e) Providing a federal immigration agency with an inmate's incarceration status or release date; or

(f) Providing information to a state entity on the immigration status of an inmate or detainee in the custody of the law enforcement agency.

Section 2. Section 908.11, Florida Statutes, is created to read:

908.11 Immigration enforcement assistance agreements; reporting requirement.—

(1) By January 1, 2023, each law enforcement agency operating a county detention facility must enter into a written agreement with the United States Immigration and Customs Enforcement to participate in the immigration program

Page 2 of 5

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

4-01386B-22

20221808\_\_

established under s. 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357. This subsection does not require a law enforcement agency to participate in a particular program model.

(2) Beginning no later than October 1, 2022, and until the law enforcement agency enters into the written agreement required under subsection (1), each law enforcement agency operating a county detention facility must notify the Department of Law Enforcement quarterly of the status of such written agreement and any reason for noncompliance with this section, if applicable.

Section 3. Section 908.111, Florida Statutes, is created to read:

908.111 Prohibition against governmental entity contracts with common carriers; required termination provisions.-

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

(a) "Common carrier" means a person, firm, or corporation that undertakes for hire, as a regular business, to transport persons or commodities from place to place offering his or her services to all such as may choose to employ the common carrier and pay his or her charges.

(b) "Governmental entity" means an agency of the state, a regional or a local government created by the State Constitution or by general or special act, a county or municipality, or any other entity that independently exercises governmental authority.

(c) "Unauthorized alien" means a person who is not authorized under federal law to be employed in the United States, as described in 8 U.S.C. s. 1324a(h) (3). The term shall be interpreted consistently with that section and any applicable

4-01386B-22

20221808\_\_

federal rules or regulations.

(2) A governmental entity may not execute, amend, or renew a contract with a common carrier if the carrier is willfully providing any service in furtherance of transporting an unauthorized alien into the State of Florida knowing that the unauthorized alien entered into or remains in the United States in violation of law.

(3) A contract between a governmental entity and a common carrier which is executed, amended, or renewed on or after October 1, 2022, including a grant agreement or economic incentive program payment agreement, must include:

(a) An attestation by the common carrier, verified as provided in s. 92.525, that the common carrier is not willfully providing and will not willfully provide any service during the contract term in furtherance of transporting an unauthorized alien into the state knowing that the unauthorized alien entered into or remains in the United States in violation of law. A governmental entity is deemed to be in compliance with subsection (2) upon receipt of the common carrier's attestation.

(b) A provision for termination for cause of the contract, grant agreement, or economic incentive program payment agreement if a common carrier, despite the attestation, is found to be willfully providing any service in furtherance of transporting an unauthorized alien into the state knowing the unauthorized alien entered into or remains in the United States in violation of law.

(4) The Department of Management Services shall develop by rule a common carrier attestation form no later than August 30, 2022.

4-01386B-22

20221808\_\_

117

Section 4. This act shall take effect upon becoming a law.



# 2022 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION	
<b>BILL NUMBER:</b>	SB 1808
<b>BILL TITLE:</b>	Immigration Enforcement
<b>BILL SPONSOR:</b>	Senator Bean
<b>EFFECTIVE DATE:</b>	Effective Upon Becoming Law

COMMITTEES OF REFERENCE
1) Judiciary
2) Appropriations
3) Rules
4)
5)

PREVIOUS LEGISLATION	
<b>BILL NUMBER:</b>	
<b>SPONSOR:</b>	
<b>YEAR:</b>	
<b>LAST ACTION:</b>	

CURRENT COMMITTEE
Judiciary

SIMILAR BILLS	
<b>BILL NUMBER:</b>	
<b>SPONSOR:</b>	

IDENTICAL BILLS	
<b>BILL NUMBER:</b>	HB 1355
<b>SPONSOR:</b>	Rep. Snyder

Is this bill part of an agency package?
No

BILL ANALYSIS INFORMATION	
<b>DATE OF ANALYSIS:</b>	January 19, 2022
<b>LEAD AGENCY ANALYST:</b>	Lori Mizell
<b>ADDITIONAL ANALYST(S):</b>	Shane Desguin, Becky Bezemek
<b>LEGAL ANALYST:</b>	Jim Martin, Jeff Dambly
<b>FISCAL ANALYST:</b>	Cynthia Barr



## POLICY ANALYSIS

### 1. EXECUTIVE SUMMARY

Revising the definition of the term “sanctuary policy” to include specified laws, policies, practices, procedures, or customs that limit or prohibit a law enforcement agency from providing specified immigration information to a state entity; requiring each law enforcement agency operating a county detention facility to enter into a specified agreement with the United States Immigration and Customs Enforcement (ICE) to assist with immigration enforcement; prohibiting a governmental entity from executing, amending, or renewing a contract with common carriers under certain circumstances, etc.

### 2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:** Currently, law enforcement agencies are not required to enter into written agreements with ICE to provide information to a state entity on the immigration status of an inmate or detainee in the custody of the law enforcement agency.
2. **EFFECT OF THE BILL:** Amends s. 908.102, FS, stating a sanctuary policy by a state or local government entity cannot prohibit a law enforcement agency from providing information to a state entity on the immigration status of an inmate or detainee in the custody of the law enforcement agency.

Creates s. 908.11, FS, regarding immigration enforcement assistance agreements and reporting requirements. By January 1, 2023, each law enforcement agency operating a county detention facility must enter into a written agreement with ICE to participate in the immigration program established under s. 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357. This subsection does not require a law enforcement agency to participate in a particular program model. Beginning no later than October 1, 2022, and until the law enforcement agency enters into the written agreement required under subsection (1), each law enforcement agency operating a county detention facility must notify FDLE quarterly of the status of such written agreement and any reason for noncompliance with this section, if applicable.

Creates s. 908.111, FS, provides definitions and states a governmental entity may not execute, amend, or renew a contract with a common carrier if the carrier is willfully providing any service in furtherance of transporting an unauthorized alien into the State of Florida knowing that the unauthorized alien entered into or remains in the United States in violation of law. A contract between a governmental entity and a common carrier which is executed, amended, or renewed on or after October 1, 2022, including a grant agreement or economic incentive program payment agreement, must include:

- An attestation by the common carrier, verified as provided in s. 92.525, FS, that the common carrier is not willfully providing and will not willfully provide any service during the contract term in furtherance of transporting an unauthorized alien into the state knowing that the unauthorized alien entered into or remains in the United States in violation of law. A governmental entity is deemed to be in compliance with subsection (2) upon receipt of the common carrier's attestation.
- A provision for termination for cause of the contract, grant agreement, or economic incentive program payment agreement if a common carrier, despite the attestation, is found to be willfully providing any service in furtherance of transporting an unauthorized alien into the state knowing the unauthorized alien entered into or remains in the United States in violation of law.

The Department of Management Services will develop by rule a common carrier attestation form no later than August 30, 2022.

3. **DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES OR PROCEDURES?** Y ☐ N ☐

If yes, explain:	
What is the expected impact to the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. **WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?**

List any known proponents and opponents:	
Provide a summary of the proponents' and opponents' positions:	

**5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y ☐ N ☐**

If yes, provide a description:	
Date Due:	
Bill Section Number:	

**6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL? Y ☐ N ☐**

Board:	
Board Purpose:	
Who Appointments:	
Appointee Term:	
Changes:	
Bill Section Number(s):	

**FISCAL ANALYSIS**

**1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☐**

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees?	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

**2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☐ N ☐**

Revenues:	
Expenditures:	

Does the legislation contain a State Government appropriation?	
If yes, was this appropriated last year?	

**3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☐**

Revenues:	
Expenditures:	
Other:	

**4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y ☐ N ☐**

Does the bill increase taxes, fees or fines?	
Does the bill decrease taxes, fees or fines?	
What is the impact of the increase or decrease?	
Bill Section Number:	

### TECHNOLOGY IMPACT

**1. DOES THE LEGISLATION IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒**

If yes, describe the anticipated impact to the agency including any fiscal impact.	
--	--

### FEDERAL IMPACT

**1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☐**

If yes, describe the anticipated impact including any fiscal impact.	
--	--

### LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	
--	--

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## ADDITIONAL COMMENTS

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- FDLE's Office of Statewide Intelligence will be designated to receive the quarterly reports required under this bill. The department does not regularly communicate with county detention facilities for these purposes and as a result will need to develop policies and procedures for the intake and storage of the reports.
- While the impact of this bill does not necessitate additional FTE or other resources at this time, this bill in combination with other bills could rise to the level requiring additional staffing and other resources.



The Florida Senate

## Committee Agenda Request

**To:** Senator Kelli Stargel, Chair  
Committee on Appropriations

**Subject:** Committee Agenda Request

**Date:** January 24, 2022

---

I respectfully request that **Senate Bill #1808**, relating to Immigration Enforcement, be placed on the:

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

A handwritten signature in blue ink that reads "Aaron Bean".

---

Senator Aaron Bean  
Florida Senate, District 4

The Florida Senate  
**APPEARANCE RECORD**

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

2/21/22  
Meeting Date

Appops  
Committee

1808  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ida V. Eskamani Phone \_\_\_\_\_

Address 134 E. Colonial Dr. Email \_\_\_\_\_  
Street  
Orlando FL 32801  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Immigrant  
Coalition

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

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

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S-001 (08/10/2021)

The Florida Senate

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2/20/2012

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

444482

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

850-321-9386

Address

579 E. Call St.

Street

Email

fcfe@yahoo.com

Tallahassee FL

City

State

32301

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

FL Center for Fiscal  
& Economic Policy

☐

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

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

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S-001 (08/10/2021)

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2/21/2022  
Meeting Date

Approps  
Committee

1808

Bill Number or Topic

444482

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Phone

Address 134 E. Colonial Dr  
Street

Email

Orlando FL 32801  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Immigrant Coalition

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

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

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2/21/22

Meeting Date

Senate Approps

Committee

1808

677652

Bill Number or Topic

Amendment Barcode (if applicable)

Name Annie Filkowski

Phone (239) 849-2644

Address 2618 W Tennessee St.  
Street

Email

Tallahassee  
City

FL  
State

32304  
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

The Florida Alliance of  
Planned Parenthood Affiliates

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

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

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S-001 (08/10/2021)

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02/21/22

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

677652

Amendment Barcode (if applicable)

Name Aurelie Colon Larran

Phone

Address 1951 NW 7th Ave #1600

Street

Email

Miami

City

FL

State

33136

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Latina Institute for  
Reproductive Justice FL

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

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

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2/21/22

Meeting Date

Approps

Committee

1808

Bill Number or Topic

677652

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Phone

Address

134 E. Colonial Dr

Email

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Immigrant Coalition

☐

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

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

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The Florida Senate  
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2/21/2022  
Meeting Date

Approps.  
Committee

1808  
Bill Number or Topic

677652  
Amendment Barcode (if applicable)

Name Marely Mendez-Zamora Phone \_\_\_\_\_

Address 1511 SW 9th Ave Email \_\_\_\_\_  
Street

Pembroke Lakes FL 33025  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

FLC

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

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S-001 (08/10/2021)

The Florida Senate

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

2-21-22

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

677652

Amendment Barcode (if applicable)

Name Edith Tavera

Phone 407 652 8289

Address 5000 Clarcona Rd 2406

Street

Apopka

City

FL

State

32703

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Community Center

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

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S-001 (08/10/2021)

The Florida Senate

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2/21/22

Meeting Date

Approp.

Committee

1808

Bill Number or Topic

677652

Amendment Barcode (if applicable)

Name

Adriana Rivera

Phone

Address

Street

Ocala

FL

34470

City

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

Florida Immigrant Coalition

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

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S-001 (08/10/2021)

02/21/2022

The Florida Senate  
**APPEARANCE RECORD**

1808

Meeting Date

Bill Number or Topic

ABRP

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

677652

Committee

Amendment Barcode (if applicable)

Name ANDREA MONTAVELI

Phone

Address 800 S. HOWARD BLVD

Email

Amontaveli@hccoffm.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

HPE

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

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

S-001 (08/10/2021)



The Florida Senate

# APPEARANCE RECORD

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

2/21/22

Meeting Date

1808

Bill Number or Topic

Senate Apropos

Committee

677652

Amendment Barcode (if applicable)

Name

Paula Munoz

Phone

9549806411

Address

12207 SW 52nd PL

Street

Email

paula.munoz@gmail.com

Cooper City FL

City

State

33330

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FLIC

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

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S-001 (08/10/2021)



The Florida Senate

# APPEARANCE RECORD

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

Feb. 21, 2022

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

677652

Amendment Barcode (if applicable)

Name Raz; Chable-Lara

Phone

Address Old dixie Hwy

Street

Email

rlara@poderlatinx.org

Apelha

City

FL

State

32712

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope community center

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2.21.2022

Meeting Date

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

SB 1808

Bill Number or Topic

Senate Appropriations

Committee

A 677652

Amendment Barcode (if applicable)

Name

Alexis Tsoukalas

Phone

407. 440. 1421 x 706

Address

1801 W. Orange Avenue

Street

Email

tsoukalas@floridapolicy.org

Orlando

City

FL

State

32801

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

Florida Policy Institute

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

1808

799844

Bill Number or Topic

Amendment Barcode (if applicable)

2/21/22

Meeting Date

Senate Approps

Committee

Name

Annie Filkowski

Phone

(239) 849-2644

Address

2618 W Tennessee St.

Email

Street

Tallahassee

City

FL

State

32304

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

The Florida Alliance of  
Planned Parenthood Affiliates

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

02/21/22

Meeting Date

Appropriations

Committee

SB 1808

Bill Number or Topic

799844

Amendment Barcode (if applicable)

Name

Aurelie Colon Larran

Phone

Address

1951 NW 7th Ave #600

Email

Street

Miami

FL

33136

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Latina Institute for  
Reproductive Justice FL

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Appops

Committee

1808

Bill Number or Topic

799844

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Phone

Address

134 E. Colonial Dr

Email

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Immigrant Coalition

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/2022

Meeting Date

Senate Appropri

Committee

1808

Bill Number or Topic

799 844

Amendment Barcode (if applicable)

Name

Yurely Mendez-Jimenez

Phone

Address

1511 SW 9th Ave

Email

Street

Pompano Beach

City

FL

State

33062

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FLIC

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

2-21-22

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

799844

Amendment Barcode (if applicable)

Name Edith Tavera

Phone 407-652-8289

Address 3000 Clarcona Rd 2406

Street

Email

Apopka

City

FL

State

32703

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking:



☒ In Support

☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:



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

Hope Community Center

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Approp.

Committee

1808

Bill Number or Topic

790844

Amendment Barcode (if applicable)

Name

Adriana Rivera

Phone

Address

Street

Ocala

City

FL

State

34470

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:



In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

Florida Immigrant Coalition

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

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S-001 (08/10/2021)



02 (21) 2022

Meeting Date

ABNUP

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

1808

Bill Number or Topic

799844

Amendment Barcode (if applicable)

Name ANDREA MONTANEL

Phone 407 880 4675

Address 800.0 HOWTHERN AC.

Email Amontanel@hcc-official.com

Street

Moulton

City

FL

State

32703

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

HOPE CC

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate A props

Committee

1808

Bill Number or Topic

799 844

Amendment Barcode (if applicable)

Name

Paula Munoz

Phone

954 980 6411

Address

12207 SW 52nd PL

Street

Email

paula.mun92@gmail.com

Cooper City

City

FL

State

33330

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FLIC

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Feb. 21, 2022  
Meeting Date

Appropriations  
Committee

1808  
Bill Number or Topic

799844  
Amendment Barcode (if applicable)

Name Razi Chable - Lara Phone \_\_\_\_\_

Address Old Dixie Hwy Email Rlara@poderlatino.org  
Street

Apopka FL 32712  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Community Center

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

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5-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2.21.2022

Meeting Date

Senate Appropriations

Committee

SB 1808

Bill Number or Topic

799844

Amendment Barcode (if applicable)

Name

Alexis Tsoukalas

Phone

407.440.1421 x706

Address

1001 W. Orange Ave.

Street

Orlando

City

FL

State

32807

Zip

Email

tsoukalas@floridapolicy.org

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Florida Policy Institute

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

02/21/2022

Meeting Date

Appropriations

Committee

SB 1808

Bill Number or Topic

185122

Amendment Barcode (if applicable)

Name Aurelie Colon Larrauri

Phone \_\_\_\_\_

Address 1951 NW 7th Ave #600

Email \_\_\_\_\_

Street

Miami

City

FL

State

33136

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Latina Institute for  
Reproductive Justice FL

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Approps

Committee

1808

Bill Number or Topic

185122

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Phone

Address

134 E. Colonial Dr

Email

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Immigrant Worker

☐

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

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

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S-001 (08/10/2021)

02/21/2022

Meeting Date

1808

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

1808

Bill Number or Topic

185129

Amendment Barcode (if applicable)

Name

ANOREA MONTANEZ

Phone

409 880 4073

Address

800 S. HOWTONE AV

Email

Amontanez@hcc-officials.org

Street

Alhambra

FL

32703

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

HCC CC.

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

185122

Amendment Barcode (if applicable)

Name Edith Tavera

Phone 407-652-828

Address 3000 Clarcona Rd 2406

Street

Apopka

City

FL

State

32703

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Community Center

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Approp.

Committee

1808

Bill Number or Topic

185122

Amendment Barcode (if applicable)

Name

Adriana Rivera

Phone

Address

Street

Ocala

City

FL

State

34470

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

Florida Immigrant Coalition

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/2022

Meeting Date

Appropri.

Committee

1808

Bill Number or Topic

185122

Amendment Barcode (if applicable)

Name

7/arelyz Mendez-Jamora

Phone

Address

1571 SW 9th Ave

Email

Street

Pembroke Pines

City

FL

State

33025

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:



In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FLIC

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Feb. 21, 2022

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

185122

Amendment Barcode (if applicable)

Name

Razi, Chable Lara

Phone

Address

Old Dixie Hwy

Street

Email

Rlara@rockclatnx.org

Apopka

City

FL

State

32712

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

HCC

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Apropos

Committee

1808

Bill Number or Topic

185122

Amendment Barcode (if applicable)

Name Paula Muñoz

Phone 954 980 6411

Address 12207 SW Sand PL

Street

Email paula.munoz@gmail.com

Cooper City FL

City

State

33330

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

FLICC

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2.21.2022

Meeting Date

Senate Appropriations

Committee

SB 1808

Bill Number or Topic

185122

Amendment Barcode (if applicable)

Name

Alexis Tsoukalas

Phone

407. 440. 1421 x 706

Address

1001 W. Orange Avenue

Street

Orlando

City

FL

State

32801

Zip

Email

tsoukalas@floridapolicy.org

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

Florida Policy Institute

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/23

Meeting Date

Senate Approps  
Committee

1808

185122

Bill Number or Topic

Amendment Barcode (if applicable)

Name Annie Filkowsk i

Phone (239) 849-2644

Address 2618 W. Tennessee St.  
Street

Email

Tallahassee FL 32304  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:  
The Florida Alliance of  
Planned Parenthood Affiliates

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/2022

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Donn Scott, Jr

Phone

850-521-3042

Address

P.O. Box 10788

Email

donn.scottjr@spkcenter.org

Street

Tallahassee FL

32302

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

SPHC Action Fund

☐

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

February 21, 2022

Meeting Date

Appropriations

Committee

The Florida Senate

## APPEARANCE RECORD

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

1808 - Immigration

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jonathan Webber**

Phone **954-593-4449**

Address **1700 N. Monroe St. #11-286**

Email **jwebber@fcvoters.org**

Street

**Tallahassee**

**FL**

**32303**

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Conservation Voters**

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

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

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

S-001 (08/10/2021)



2/21/22  
Meeting Date  
Appropriations  
Committee

The Florida Senate  
**APPEARANCE RECORD**

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

SB 1808  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name Laurette Philipson Phone 277-484-0237

Address 7240 Westwind Drive  
Street  
Port Lichey FL 34108  
City State Zip

Email advocatephilipson@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Christie Arnold

Phone

850-339-0075

Address

201 W. Park Avenue

Street

Email

carhold@flaccb.org

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida  
Conference of Catholic  
Bishops

☐

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

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

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5-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2/21/22  
Meeting Date

1808  
Bill Number or Topic

Approps  
Committee

Amendment Barcode (if applicable)

Name Towson Fraser

Phone 850 443 1444

Address 115 E Park Ave  
Street

Email Towson@FLlobby.com

Tall FL 32301  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:  
ABIC - Action

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

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

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S-001 (08/10/2021)

1 PM 4/25/22

The Florida Senate  
**APPEARANCE RECORD**

2-21-2022  
Meeting Date

Appropriations  
Committee

1808  
Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Kathleen Murphy

Phone 407-855-7604

Address 1747 Central Florida Parkway  
Orlando, FL 32809  
City State Zip

Email Legislation@Floridapt.org

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> I am appearing without compensation or sponsorship. | <input type="checkbox"/> I am a registered lobbyist, representing: | <input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: |
|--|--|---|

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

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The Florida Senate

**APPEARANCE RECORD**

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

Feb. 21, 2022

Meeting Date

1408

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name

Razi, Chable Lara

Phone

Address

Old Dixie Hwy

Email

rlara@poderlatink.org

Street

Apopka

City

FL

State

32712

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

Hope Community Center

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

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S-001 (08/10/2021)

02/21/2022

Meeting Date

ABROR.

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

1808

Bill Number or Topic

Amendment Barcode (if applicable)

Name ANDREA MONTAVEZ

Phone 607 880 4673

Address 800 S. HUNTOUR AV.

Email Amontavez@hcc-offm.org

Street

APPOKA

City

State

FL

Zip

32703

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

HOPE  
Community Center.

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

02/21/22

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

256174

Amendment Barcode (if applicable)

Name Aurelie Colon Larrauri

Phone

Address 1951 NW 7th Ave #400

Email

Street

Miami

City

FL

State

33136

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking:



In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Latina Reproductive for  
Reproductive Justice FL

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Approps

Committee

1808

Bill Number or Topic

256174

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Phone

Address

134 E. Colonial Dr

Email

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Immigrant Coalition

☐

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

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

1808

Bill Number or Topic

Apprp.

Committee

256174

Amendment Barcode (if applicable)

Name

Adriana Rivera

Phone

Address

Street

Ocala

City

FL

State

34470

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

Florida  
Immigrant Coalition

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2/21/22  
Meeting Date  
Senate Aprops  
Committee

1808  
Bill Number or Topic  
256174  
Amendment Barcode (if applicable)

Name Paula Munoz Phone 954 980 6411

Address 12207 SW 52 PL Email paula.mun92@gmail.com  
Street  
Cooper City FL 33330  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

FLIC

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

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to

Senate professional staff conducting the meeting

02/21/2022

Meeting Date

AARP

Committee

1808

Bill Number or Topic

2560174

Amendment Barcode (if applicable)

Name

ANDREA MONTANEZ

Phone

407 880 4673

Address

800 S. HOWARD AVE

Street

Email

amontanez@hcc-off.org

APRIL, FL 32703

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

Handwritten signature

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

256 174

Amendment Barcode (if applicable)

Name Edith Tavera

Phone 407. 652. 8289

Address 3000 Clarcona Rd 2406

Street

Apopka

City

FL

State

32703

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Community Center

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Feb. 22, 2022  
Meeting Date

Appropriations  
Committee

1808

Bill Number or Topic

256174

Amendment Barcode (if applicable)

Name Raz, Chabie Lara Phone \_\_\_\_\_

Address Old Dixie Hwy Email Rlara@foderlatinx.org  
Street

Apopka FL 32712  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Community Center

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/2022

Meeting Date

Senate Appropriations

Committee

SB 1808

Bill Number or Topic

256174

Amendment Barcode (if applicable)

Name

Yarun Menon-Zamora

Phone

Address

1511 SW 98th Ave

Email

Street

Pembroke Pines

City

FL

State

33025

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

FLIC.

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

2.21.2022

Meeting Date

SENATE APPROPRIATIONS

Committee

Deliver both copies of this form to

Senate professional staff conducting the meeting

SB 1808

Bill Number or Topic

256174

Amendment Barcode (if applicable)

Name ALEXIS TSOUKALAS

Phone 407.440.1421 x 704

Address 1001 N. ORANGE AVE.

Street

Email TSOUKALAS C FLORIDA  
POLICY.ORG

ORLANDO

City

FL

State

32801

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

FLORIDA POLICY  
INSTITUTE

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

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S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

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

1808

256174

Bill Number or Topic

Amendment Barcode (if applicable)

2/21/22

Meeting Date

Senate Approps

Committee

Name Annie Filkowski

Phone (239) 849-2644

Address 2618 W Tennessee St.

Street

Tallahassee

City

FL

State

32304

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

The Florida Alliance of  
Planned Parenthood Affiliates

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

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

1808

665 684

Bill Number or Topic

Amendment Barcode (if applicable)

2/21/22

Meeting Date

Senate Approps

Committee

Name Annie Filkowski

Phone (239) 819-2644

Address 2618 W Tennessee St.

Email

Street

Tallahassee

City

FL

State

32304

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

The Florida Alliance of  
Planned Parenthood Affiliates

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

02/21/22

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

6065084

Amendment Barcode (if applicable)

Name Aurelie Colon Larrain

Phone

Address 1951 NW 7th Ave #600

Street

Miami

City

FL

State

33136

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Natasha Institute for  
Reproductive Justice FL

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Approps

Committee

1808

Bill Number or Topic

665684

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Phone

Address

134 E Colonial

Email

Street

Orlando

City

FL

State

32801

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Immigrant Coalition

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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2-21-22

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

665 684

Amendment Barcode (if applicable)

Name Edith Tavera

Phone 407-652-8289

Address 3000 Clarcona Rd 2406

Street

Apopka

City

FL

State

32703

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Community Center

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

FLIC

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Approp.

Committee

1808

Bill Number or Topic

605684

Amendment Barcode (if applicable)

Name Adriana Rivera

Phone \_\_\_\_\_

Address \_\_\_\_\_

Street

Ocala FL

34470

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Florida Immigrant Coalition

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

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S-001 (08/10/2021)

02/21/2022

The Florida Senate  
**APPEARANCE RECORD**

1808

Meeting Date

ABW

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

Bill Number or Topic

665684

Committee

Amendment Barcode (if applicable)

Name

ANOREA MONTAVER

Phone

407 880 4673

Address

800 S Hartung Ave

Email

Amonter@he-Of.com

Street

Apex, FL 32703

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

2/21/22  
Meeting Date

Senate Apropos  
Committee

1808  
Bill Number or Topic

665 684  
Amendment Barcode (if applicable)

Name Paula Munoz Phone 954 980 6411

Address 12207 SW 52nd PL Email paula.mun92@gmail.com  
Street  
Cooper City FL 33330  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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Feb. 21 2022

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

665604

Amendment Barcode (if applicable)

Name Razi, Chabie Lara

Phone \_\_\_\_\_

Address Old Dixie Hwy  
Street

Email Rlara@federlatinx.org

Apopka  
City

FL  
State

32712  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Community Center

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

2.21.2022

Meeting Date

Senate Appropriations

Committee

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

SB 1808

Bill Number or Topic

665684

Amendment Barcode (if applicable)

Name Alexis Tsoukalas

Phone 407.440.1421 x 706

Address 1001 W. Orange Ave.  
Street

Email tsoukalas@florida  
policy.org

Orlando  
City

FL  
State

32807  
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Florida Policy Institute

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

1808

413230

Bill Number or Topic

Amendment Barcode (if applicable)

2/21/22

Meeting Date

Senate Approps

Committee

Name Annie Filkowski

Phone (239) 849-2644

Address 2618 W Tennessee St.

Street

Tallahassee

City

FL

State

32304

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

The Florida Alliance of  
Planned Parenthood Affiliates

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

02/21/2022

Meeting Date

Appropriations

Committee

SB 1808

Bill Number or Topic

413230

Amendment Barcode (if applicable)

Name Aurelie Colon Larranri

Phone

Address 1951 NW 7th Ave #600

Email

Street

Miami

FL

33136

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Latina Institute for  
Reproductive Justice FL

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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2/21/22

Meeting Date

Approps

Committee

1808

Bill Number or Topic

413 230

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Phone

Address

134 E Colonial

Email

Street

Orlando

FL

32801

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

Florida Immigrant Coalition

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

2-21-22  
Meeting Date  
Appropriations  
Committee

1808  
Bill Number or Topic  
413 230  
Amendment Barcode (if applicable)

Name Edith Tavera Phone 407 - 652 - 8289  
Address 3000 Clarcona Rd 2406 Email edithtavera41@gmail.com  
Apopka FL 32703  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Comm Unity Center

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

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S-001 (08/10/2021)

02/21/2022.

Meeting Date

App P.

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

1808.

Bill Number or Topic

413230

Amendment Barcode (if applicable)

Name

ANDREA MONTANEZ

Phone

407 870, 4673

Address

800 S. HOWARD AV.

Email

Amontanez@cc-official.org

Street

APOLKA FL 32821.

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

HOPE CC

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

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S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

413230

Amendment Barcode (if applicable)

Name

Adriana Rivera

Phone

Address

Street

Ocala

FL

34470

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Immigrant Coalition

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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

2/21/2022  
Meeting Date

Senate Appropriations  
Committee

SB1008  
Bill Number or Topic

413230  
Amendment Barcode (if applicable)

Name Yareliz Mendez-Jamora Phone \_\_\_\_\_

Address 1571 SW 98th Ave Email \_\_\_\_\_  
Street

Pembroke Pines FL 33025  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

FLIC

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Feb. 21, 2022  
Meeting Date

Appropriations  
Committee

1808  
Bill Number or Topic

413230  
Amendment Barcode (if applicable)

Name Raiz, Chable Lara Phone 321 279 8309

Address Old Dixie Hwy Email slarae.poder@latinx.org  
Street

Apopka FL 32712  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Community Center

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf flsenate.gov](#)*

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

Senate Aprops

Committee

1808

Bill Number or Topic

413 230

Amendment Barcode (if applicable)

Name

Paula Muñoz

Phone

954 980 6411

Address

12207 SW 52nd PL

Street

Email

paula.munoz@gmail.com

Cooper City FL

City

State

33330

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FLIC

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

2.21.2022

Meeting Date

Senate Appropriations

Committee

SB 1808

Bill Number or Topic

413230

Amendment Barcode (if applicable)

Name

Alexis Tsoukalas

Phone

407.440.1421 x 706

Address

1001 N. Orange Ave.

Street

Orlando

City

FL

State

32801

Zip

Email

tsoukalas@floridapolicy.org

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

Florida Policy Institute

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/21/22

Meeting Date

SB1808

Bill Number or Topic

Senate Aprops

Committee

Amendment Barcode (if applicable)

Name

Paula Montoz

Phone

954 980 6411

Address

12207 SW 52nd PL

Email

paula.mun92@gmail.com

Street

Cooper City FL

33370

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FLIC

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2-21-22

Meeting Date

Appropriations

Committee

1808

Bill Number or Topic

Amendment Barcode (if applicable)

Name Edith Tavera

Phone 407-652-8289

Address 3000 Clarcona Rd 2406

Street

Email edithtavaera41@gmail.com

Apopka

City

FL

State

32703

Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Hope Community  
center

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S-001 (08/10/2021)

2/21/2022

Meeting Date

Appropriations

Committee

Name **Alexis Tsoukalas**

Address **1001 North Orange Avenue**

Street

**Orlando**

City

**Florida**

State

**32801**

Zip

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
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SB 1808

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **407.440.1421 ext 706**

Email **tsoukalas@floridapolicy.org**

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

**Florida Policy Institute**

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

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S-001 (08/10/2021)



The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
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2/21/2022

Meeting Date

Senate Appropriations

Committee

SB1808

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Marely Mendez-Gamora

Phone

Address

1511 SW 9th Ave

Email

Street

Pembroke Park

City

FL

State

33025

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

FLIC

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

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S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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2/21/22  
Meeting Date

Appropriations  
Committee

1808  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Nye Davis

Phone 850.281.3269

Address 2047 Sunny Dale Dr  
Street

Email alnddavis@gmail.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

FLC

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

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S-001 (08/10/2021)

2/21/22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

1808

Bill Number or Topic

Appropriations

Committee

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

Amendment Barcode (if applicable)

Name

Adriana Rivera

Phone

(786) 340-8006

Address

Street

Ocala

FL

34470

City

State

Zip

Email

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

Florida  
Immigrant coalition

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

2/21/2022  
Meeting Date

1808  
Bill Number or Topic

Appropriations  
Committee

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St.  
Street

Email pcfep@yahoo.com

Tallahassee FL 32301  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

FL Center for Fiscal  
& Economic Policy

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

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

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5-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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02/21/2022  
Meeting Date  
Appropriations  
Committee

SB 1808  
Bill Number or Topic

Name Aurelie Colon Larrain Phone 954 881 8595

Address 1951 NW 7th Ave #600 Email aurelie@latinainstitute.org  
Street  
Miami FL 33136  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:  
Latina Institute for  
Reproductive Justice FL

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

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

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5-001 (08/10/2021)

2.21.22

Meeting Date

Appropriations

Committee

Name Kara Gross

Address 4343 West Flagler St  
Street

Miami

City

FL

State

33134

Zip

The Florida Senate  
**APPEARANCE RECORD**

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

1808

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 786-363-4436

Email kgross@aclufl.org

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**ACLU of Florida**

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

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

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5-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
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2/21/22

Meeting Date

SB1808

Bill Number or Topic

Senate Approps

Committee

Amendment Barcode (if applicable)

Name

Annie Filkowski

Phone

(239) 849-2644

Address

2618 W Tennessee St.

Email

annieae.filkowski@ppsenfl.org

Street

Tallahassee

FL

32304

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

The Florida Alliance of  
Planned Parenthood Affiliates

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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2/21/2022

Meeting Date

appropriations

Committee

1808

Bill Number or Topic

Amendment Barcode (if applicable)

Name

David Caicedo

Phone

Address

134 E Colonial Prnc

Email

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

HB1365

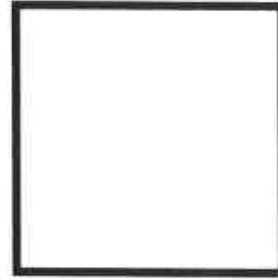
people like anyone in this country  
look for a safe place to be it might  
not be permanent yet it's a step  
people that come here are humans  
too & need the same treatment as  
everyone else.

~Diego German

lets work together

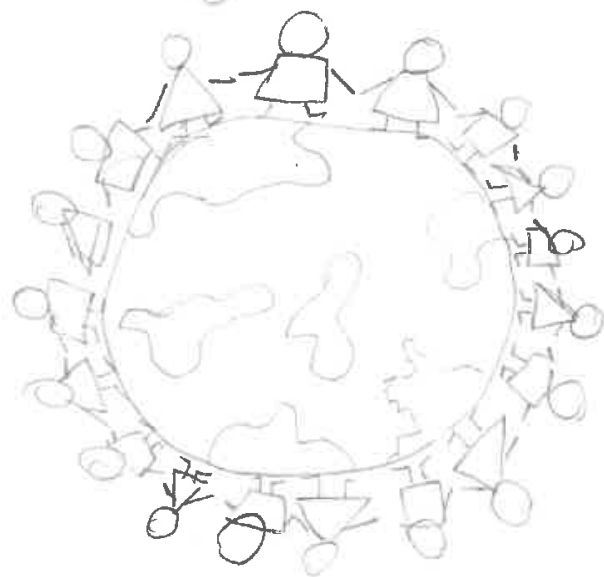






U Should not let  
the bill Pass because  
Just Imagine IF  
it were u if it was  
u in that situation. Imagine  
it were your child.

Can we live  
together?



we can help



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Familys belong together  
and Shouldn't be Scparated.  
No human should be  
Separated from their family.  
familys belong together



---

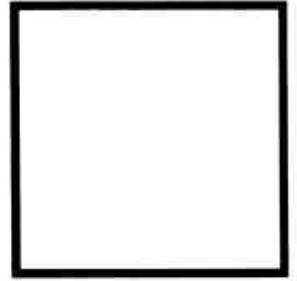
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Yo Bine aca pz  
por salir adelante  
tener una mejor  
vida y en un futuro  
Pz alludar amis  
praeles.



---

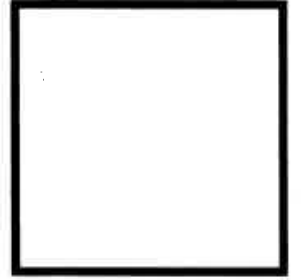
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Say No to the  
HB 1355 vote  
No! Why because  
Some of my  
parents and some  
of my friends and  
some of my friends  
will not have a  
safe place at school  
and I won't see  
them.  
Keep a safe place



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FIGHT  
IGNORANCE NOT  
IMMIGRANTS



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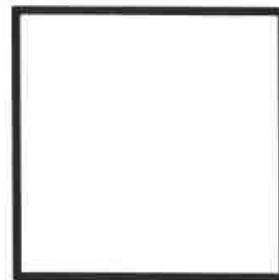
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Because y'all wouldn't  
Like to be separated from  
your families...

Or would  
you?



---

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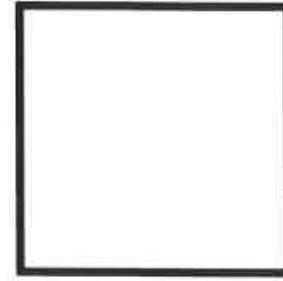
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Wilver DeLeón Reyes.

Yo decidi Emigrar a  
este pais porque en  
mi pais hay mucha  
delincuencia y la  
situacion economica  
esta muy fuerte



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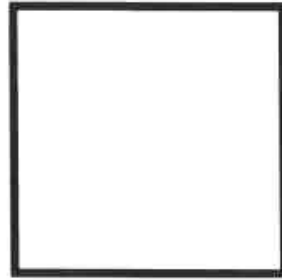
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Say no to HB1355. My Dad has worked hard all this years so that he could support his parents and his family here. so it would be fair not only for him but for others.

Say no to the "Don't Say Gay" bill. I myself am part of the LGBT community. And am a human too with feelings and deserve the right that any other person has.



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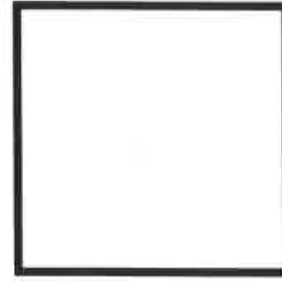
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What do you have  
against reuniting  
families?

No one should be  
separated.

How would you feel  
if people prevent  
you from going  
to your family.



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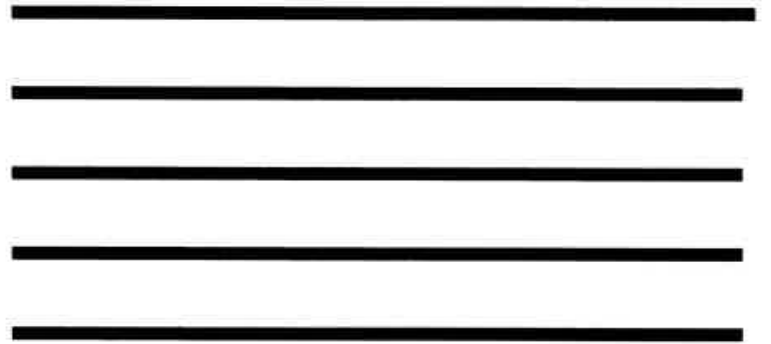
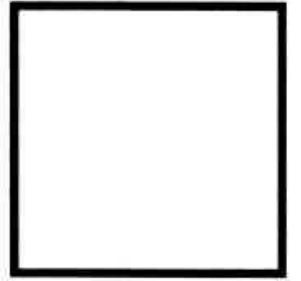
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Many kids that  
cross the border  
are coming to have  
some where to stay  
and they want to  
be helped because  
they have no one  
for support.

VOTE NO FOR

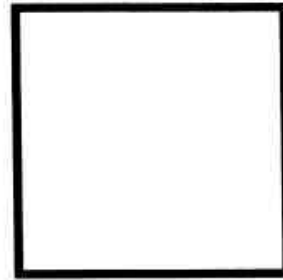
11B1355 !!!



Martín Giovanni Fabian Flores

Hello sir presidente

Emigre a heste país porque  
En mi país tu no podía venir  
por que fui amenazado por las  
maras Me vine ha este país  
por mi bien y el bien de mi  
familia por que si regreso  
corro peligro de que me pueda  
hacer daño ami y ami familia.



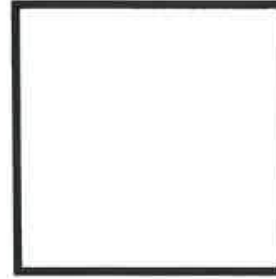
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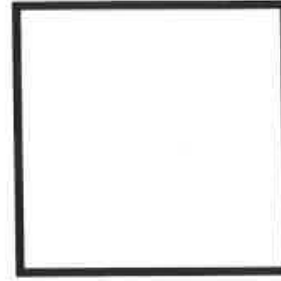


Say NO to HB 1355. Me and my  
families are scared to be  
separated because all we have  
is each other.

Hola mi nombre es Editsa. D.  
Con orgullo le cuento la razón  
por que estoy ahi en usa.

la razón es sacar a mi familia  
de la pobreza.

ayudarlos por que mi dijeron  
que usa es el país de las  
oportunidades quiero ayudarlos  
tener un mejor futuro  
y mas ayudar a mi madre  
de una enfermedad la quiero  
y por ella ave lo que sea  
para ayudarla esds son: la razón



---

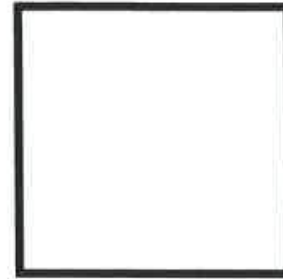
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To whom it may concern,  
I am the daughter of an immigrant  
from South Africa who is autistic  
and an ally for immigrants and  
refugees. I believe that this bill  
is only harming our communities,  
state, and country as a whole. The  
only thing it is going to do is  
criminalize immigrants and refugees  
for situations that they cannot control.  
It is also hateful because it is racist  
and xenophobic as a whole. We need  
to be welcoming of immigrants and  
refugees, not hostile and hateful toward  
them. Being anti-immigrant is setting  
a bad example for the U.S. and the  
world as a whole. Remember that  
no one is illegal on stolen land.  
Please protect our communities and support  
our children by not passing this hateful  
agenda. Sincerely, Skye Cronje



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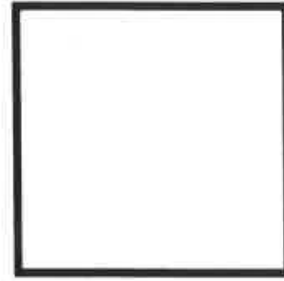
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I wouldn't support HB1355  
because immigrant kids  
still have the same  
rights as other human  
beings so should  
still be allowed a  
safe space. Leaving  
any child or person  
especially a child should  
be ~~allowed~~ left without  
a safe space.



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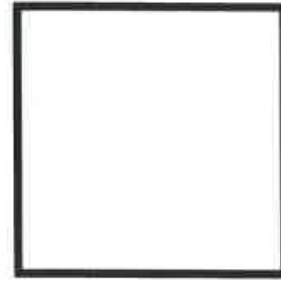
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I think that you should say 'NO' to HB 1355 bill because many families have already suffered enough, Parents migrate to the U.S to give their kids a better future so why take away their reason to want to succeed just as much as how Americans want to have a better future so do we. And take this from us the young children/youths we wouldn't want to be separated from our loved ones. Maybe we're in the wrong for coming here but so will you if you separate families.

-yesenia t.

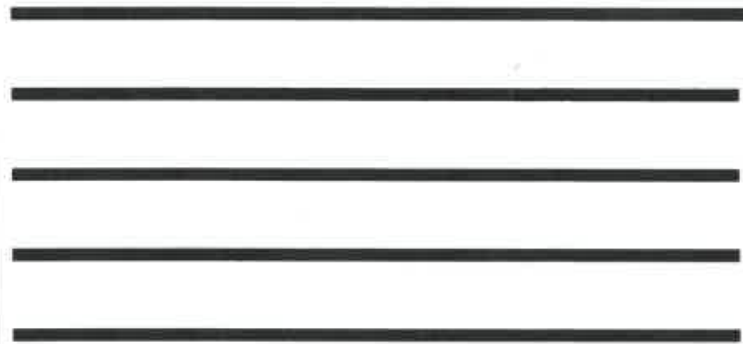
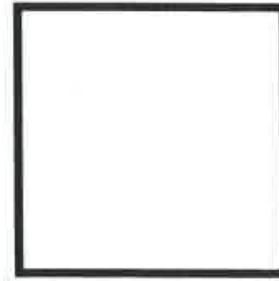


What if that was  
your kid in the cage?

They come here for  
a better future. They  
come for reason, they  
come for safety, liberty  
and freedom!!!

If you see how they  
live in their countries  
you would understand their  
why!

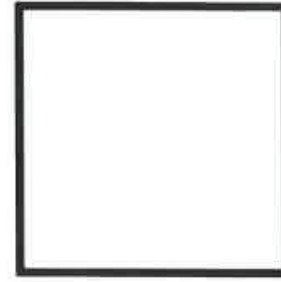
Kevin B.P



Say no to HB

1355 because

having a family  
is severely beneficial  
to a kid's mental  
health.



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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Appropriations

---

BILL: CS/SB 1892

INTRODUCER: Health Policy Committee and Senator Burgess

SUBJECT: Administration of Vaccines

DATE: February 18, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Brown</u>	<u>HP</u>	<b>Fav/CS</b>
2.	<u>Gerbrandt</u>	<u>Sadberry</u>	<u>AP</u>	<b>Favorable</b>

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1892 expands the scope of practice of registered pharmacy technicians by authorizing a qualified pharmacy technician to administer certain immunizations and vaccines to adults under the supervision of a certified pharmacist. The bill requires pharmacy technicians to be certified to administer immunizations and vaccines pursuant to a certification program approved by the Board of Pharmacy in consultation with the Board of Medicine and the Board of Osteopathic Medicine.

The bill also updates the statutory list of immunizations and vaccines that pharmacists, registered pharmacy interns, and (under the bill) registered pharmacy technicians may become certified to administer.

The bill is expected to have a significant negative fiscal impact on the Department of Health. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2022.

**II. Present Situation:**

**The Practice of Pharmacy**

The Board of Pharmacy (BOP), in conjunction with the Department of Health (DOH), regulates the practice of pharmacy pursuant to ch. 465, F.S.

***Pharmacist Licensure***

To be licensed as a pharmacist in Florida, a person must:<sup>1</sup>

- Complete an application and remit an examination fee;
- Be at least 18 years of age;
- Hold a degree from an accredited and approved school or college of pharmacy;<sup>2</sup>
- Have completed a BOP-approved internship; and
- Successfully complete the BOP-approved examination.

A pharmacist must complete at least 30 hours of BOP-approved continuing education during each biennial licensure renewal period.<sup>3</sup> Pharmacists who are certified to administer vaccines or epinephrine auto-injections must complete a three-hour continuing education course on the safe and effective administration of vaccines and epinephrine injections, as a part of their licensure renewal.<sup>4</sup>

***Scope of Pharmacy Practice***

In Florida, the practice of the profession of pharmacy includes:<sup>5</sup>

- Compounding, dispensing, and consulting concerning the contents, therapeutic values, and uses of a medicinal drug;
- Consultation concerning therapeutic values and interactions of patented or proprietary preparations;
- Monitoring a patient's drug therapy and assisting the patient in the management of his or her drug therapy;
- Reviewing, and making recommendations regarding the patient's drug therapy and health care status in communication with the patient's prescribing health care provider as authorized by the patient;
- Initiating, modifying, or discontinuing drug therapy for a chronic health condition under a collaborative pharmacy practice agreement;<sup>6</sup>
- Transmitting information from prescribers to their patients;
- Administering anti-psychotropic medications by injection;<sup>7</sup>
- Preparing prepackaged drug products in facilities holding Class III institutional facility permits;<sup>8</sup>
- Ordering and dispensing over-the-counter drugs approved by the U.S. Food and Drug Administration (FDA);<sup>9</sup>

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<sup>1</sup> Section 465.007, F.S. The DOH may also issue a license by endorsement to a pharmacist who is licensed in another state upon meeting the applicable requirements set forth in law and rule. *See s. 465.0075, F.S.*

<sup>2</sup> If the applicant has graduated from a four-year undergraduate pharmacy program of a school or college of pharmacy located outside the United States, the applicant must demonstrate proficiency in English, pass the BOP-approved Foreign Pharmacy Graduate Equivalency Examination, and complete a minimum of 500 hours in a supervised work activity program within Florida under the supervision of a DOH-licensed pharmacist.

<sup>3</sup> Section 465.009, F.S.

<sup>4</sup> Section 465.009(6), F.S.

<sup>5</sup> Section 465.003(13), F.S.

<sup>6</sup> Section 465.1865, F.S.

<sup>7</sup> Section 465.1893, F.S.

<sup>8</sup> A Class III institutional pharmacy are those pharmacies affiliated with a hospital. *See s. 465.019(2)(d), F.S.*

<sup>9</sup> Section 465.186, F.S.

- Ordering and dispensing within his or her professional judgment, subject to specified conditions:<sup>10</sup>
  - Certain oral analgesics for mild to moderate pain;
  - Anti-nausea preparations;
  - Certain antihistamines and decongestants;
  - Certain topical antifungal/antibacterial;
  - Topical anti-inflammatory preparations containing an amount of hydrocortisone not exceeding 2.5 percent;
  - Otic antifungal/antibacterial;
  - Salicylic acid;
  - Vitamins;
  - Ophthalmics;
  - Certain histamine H2 antagonists;
  - Acne products; and
  - Topical antivirals for herpes simplex infections of the lips.

### ***Pharmacist Authorization to Administer Immunizations and Epinephrine Auto-Injections***

A pharmacist is authorized to administer immunizations to adults, according to guidelines issued by the federal Centers for Disease Control and Prevention (CDC), and epinephrine auto-injections to address unforeseen allergic reactions, within the framework of an established protocol with a supervising physician. A pharmacist must first become certified to administer immunizations and vaccines, and, once certified, may administer immunizations and vaccines that are:<sup>11</sup>

- Listed in the CDC Adult Immunization Schedule as of April 30, 2021, or so listed after that date if authorized by BOP rule;
- Recommended by the CDC for international travel as of April 30, 2021, or so recommended after that date if authorized by BOP rule;
- Licensed for use in the United States, or authorized for emergency use, by the FDA as of April 30, 2021, or so licensed or authorized after that date if authorized by BOP rule; or
- Approved by the BOP in response to an emergency declared by the Governor.

### ***Certification Requirements***

To be certified to administer vaccines, a pharmacist must:

- Enter into a written protocol with a supervising allopathic or osteopathic physician, and the protocol must:<sup>12</sup>
  - Specify the categories of patients and patient conditions for which the pharmacist may administer vaccines;
  - Be appropriate to the pharmacist's training and certification for administering the vaccine;
  - Outline the process and schedule for the review of the administration of vaccines by the pharmacist under the written protocol; and
  - Be submitted to the BOP;

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<sup>10</sup> Fla. Admin. Code R. 64B16-27.220

<sup>11</sup> Section 465.189(1), F.S.

<sup>12</sup> Section 465.189(8), F.S.

- Complete a BOP-approved vaccine administration certification program that consists of at least 20 hours of continuing education;<sup>13</sup>
- Pass an examination and demonstrate vaccine administration technique;<sup>14</sup>
- Maintain and make available patient records using the same standards for confidentiality and retention of such records as required by s. 456.057, F.S., and maintain the records for at least five years;<sup>15</sup> and
- Maintain at least \$200,000 of professional liability insurance.<sup>16</sup>

A certified pharmacist may administer epinephrine using an auto-injector delivery system within the framework of the established protocol under a supervising physician in order to address any unforeseen allergic reactions.

As of January 11, 2022, there were 15,675 pharmacists certified under Florida Statutes to administer immunizations and vaccines.<sup>17</sup>

### ***Pharmacist Vaccination of Children***

In 2021, the Legislature authorized a certified pharmacist to also administer influenza vaccines to children seven years of age or older if such administration is included in the written protocol with a supervising physician.<sup>18</sup>

### ***Pharmacy Interns***

To register with the state as a pharmacy intern, a person must be certified by the BOP as being enrolled in an intern program at an accredited school or college of pharmacy or as a graduate of an accredited school or college of pharmacy and not yet licensed as a pharmacist in Florida.<sup>19</sup> The DOH is required to register as a pharmacy intern a person so certified by the BOP.

A pharmacist is responsible for any delegated act performed by a pharmacy intern employed or supervised by the pharmacist.<sup>20</sup>

To administer vaccines, a pharmacy intern must complete the same BOP-approved vaccine administration certification program as the pharmacist and also be supervised by a certified pharmacist, at a ratio of one pharmacist to one intern.<sup>21</sup>

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<sup>13</sup> Section 465.189(7), F.S., Fla. Admin. Code R. 64B16-26.1031, provides more detail regarding subject matter that must be included in the certification course.

<sup>14</sup> *Id.*

<sup>15</sup> Section 456.057, F.S., requires certain health care practitioners to develop and implement policies, standards, and procedures to protect the confidentiality and security of medical records, provides conditions under which a medical record may be disclosed without the express consent of the patient, provides procedures for disposing of records when a practice is closing or relocating, and provides for enforcement of its provisions.

<sup>16</sup> Section 465.189(4), F.S.

<sup>17</sup> Department of Health, 2022 *Agency Legislative Bill Analysis: HB 1209*, Jan. 28, 2022 (on file with the Senate Health Policy Committee).

<sup>18</sup> Section 465.189(2), F.S., as created in CS/CS/SB 768 (2021).

<sup>19</sup> Section 465.013, F.S.

<sup>20</sup> Fla. Admin. Code R. 64B16-27.430

<sup>21</sup> Section 465.189(1), F.S.

Pharmacy interns are not authorized under Florida Statutes to administer immunizations or vaccines to children.

As of January 11, 2022, there were 3,635 pharmacy interns certified under Florida Statutes to administer immunizations and vaccines.<sup>22</sup>

### ***Pharmacy Technicians***

Pharmacy technicians assist pharmacists in dispensing medications and are accountable to a supervising pharmacist who is legally responsible for the care and safety of the patients served.<sup>23</sup> A person must register with the DOH to practice as a pharmacy technician. To register, an individual must:<sup>24</sup>

- Be at least 17 years of age;
- Submit an application and pay an application fee; and
- Complete a BOP-approved pharmacy technician training program.<sup>25</sup>

As of January 11, 2022, there were 57,521 registered pharmacy technicians in Florida.<sup>26</sup>

A licensed pharmacist must directly supervise the performance of a pharmacy technician<sup>27</sup> and is responsible for acts performed by technicians under his or her supervision.<sup>28</sup> A pharmacist may use technological means to communicate with or observe a pharmacy technician who is performing delegated tasks.<sup>29</sup>

Florida law prohibits a pharmacist from supervising more than one pharmacy technician at a time, unless otherwise permitted by guidelines adopted by the BOP.<sup>30</sup>

A pharmacy technician must renew his or her registration biennially. For each renewal cycle, a pharmacy technician must complete 20 continuing education hours.<sup>31</sup>

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<sup>22</sup> Department of Health, *2022 Agency Legislative Bill Analysis: HB 1209*, Jan. 28, 2022 (on file with the Senate Health Policy Committee).

<sup>23</sup> Section 465.014(1), F.S.

<sup>24</sup> Section 465.014(2), F.S.

<sup>25</sup> An individual is exempt from the training program if he or she was registered as a pharmacy technician before January 1, 2011, and either worked as a pharmacy technician at least 1,500 hours under a licensed pharmacist or received certification from an accredited pharmacy technician program.

<sup>26</sup> Department of Health, *2022 Agency Legislative Bill Analysis: HB 1209*, Jan. 28, 2022 (on file with the Senate Health Policy Committee).

<sup>27</sup> Direct supervision means supervision by a pharmacist who is on the premises at all times the delegated tasks are being performed; who is aware of delegated tasks being performed; and who is readily available to provide personal assistance, direction, and approval throughout the time the delegated tasks are being performed (Fla. Admin. Code R. 64B16-27.4001(2)(a))

<sup>28</sup> Fla. Admin. Code R. 64B16-27.1001(7)

<sup>29</sup> Fla. Admin. Code R. 64B16-27.4001(2)(b)

<sup>30</sup> Section 465.014(1), F.S. *See* Fla. Admin. Code R. 64B16-27.410, for the BOP guidelines that specify when a pharmacist may supervise more than one pharmacy technician.

<sup>31</sup> Section 465.014(6), F.S.



### ***Pharmacy Technician Scope of Practice***

A pharmacy technician may not engage in the practice of the profession of pharmacy; however, a licensed pharmacist may delegate those duties, tasks, and functions that do not fall within the definition of the practice of professional pharmacy.<sup>32</sup> The BOP specifies, by rule, certain acts that pharmacy technicians are prohibited from performing, which include:

- Receiving new verbal prescriptions or any change in the medication, strength, or directions of an existing prescription;
- Interpreting a prescription or medication order for therapeutic acceptability and appropriateness;
- Conducting a final verification of dosage and directions;
- Engaging in prospective drug review;
- Monitoring prescription drug usage;
- Transferring a prescription;
- Overriding clinical alerts without first notifying the pharmacist;
- Preparing a copy of a prescription or reading a prescription to any person for the purpose of providing reference concerning treatment of the patient for whom the prescription was written;
- Engaging in patient counseling; or
- Engaging in any other act that requires the exercise of a pharmacist's professional judgment.<sup>33</sup>

Pharmacy technicians are not authorized under Florida Statutes to administer immunizations or vaccines to anyone.

### **Immunizations**

#### ***The CDC's Immunization Recommendations***

The CDC sets the adult and childhood immunization and vaccination schedules based on the recommendations from the Advisory Committee on Immunization Practices (ACIP).<sup>34</sup> The ACIP works with professional organizations, such as the American Academy of Pediatrics, the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, and the American College of Physicians, to develop annual childhood and adult immunization schedules.<sup>35</sup> The CDC reviews the ACIP's recommendations and, if approved, they are published as the CDC's official recommendations for immunizations for the population.<sup>36</sup>

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<sup>32</sup> Section 465.014(1), F.S.

<sup>33</sup> Fla. Admin. Code R. 64B16-27.420(2)

<sup>34</sup> Center for Disease Control and Prevention, Advisory Committee on Immunization Practices (ACIP), *Role of the Advisory Committee on Immunization Practices in CDC's Vaccine Recommendations*, available at <https://www.cdc.gov/vaccines/acip/committee/role-vaccine-recommendations.html> (last visited Mar. Feb. 3, 2022).

<sup>35</sup> Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices (ACIP), *ACIP Recommendations*, available at <https://www.cdc.gov/vaccines/acip/recommendations.html> (last visited Feb. 3, 2022).

<sup>36</sup> *Id.*

The current recommended immunization schedule for persons 18 years of age and older includes:<sup>37</sup>

- Influenza (annually);
- Measles, mumps, rubella (if patient is born in 1957 or later);
- Zoster;
- Pneumococcal polysaccharide;
- Haemophilus influenza Type B;
- Hepatitis B;
- Varicella (if patient is born 1980 or later);
- Tetanus, diphtheria, pertussis (booster every 10 years);
- Human papillomavirus;
- Pneumococcal conjugate;
- Hepatitis A;
- Meningococcal A, C, W, Y; and
- Meningococcal B.

New vaccines are considered for addition to the schedule after being licensed by the FDA.<sup>38</sup> Not all newly licensed vaccines are added to the schedule. Some licensed vaccines are only recommended for people who are traveling to areas where certain vaccine-preventable diseases occur, such as yellow fever, cholera, dengue, Japanese encephalitis, plague, rabies, smallpox, and typhoid.<sup>39</sup>

### ***CDC Health Information for International Travel***

*The CDC's Health Information for International Travel*, commonly called the Yellow Book, is published biennially by the CDC as a reference to advise international travelers about health risks.<sup>40</sup> The Yellow Book includes the CDC's most current travel health guidelines, including pre-travel vaccine recommendations and destination-specific health advice. The Yellow Book is authored by subject-matter experts both within and outside the CDC and its guidelines are evidence-based and supported by best practices.<sup>41</sup>

Certain vaccinations are recommended by the CDC to protect international travelers from illness and prevent the importation of infectious diseases across international borders. The Yellow Book recommends that persons traveling internationally should be up to date on all CDC-recommended vaccines. Additionally, the Yellow Book recommends additional vaccinations based on a traveler's destination and other factors.

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<sup>37</sup> Centers for Disease Control and Prevention, *Recommended Adult Immunization Schedule for Ages 19 Years or Older, United States, 2020*, available at <https://www.cdc.gov/vaccines/schedules/hcp/imz/adult.html> (last visited Feb. 3, 2022). The schedule provides the recommended age, as well as the administration intervals for vaccines that require multiple doses. Some vaccines are recommended only for populations with special situations that put those populations at higher risk.

<sup>38</sup> College of Physicians of Philadelphia, *The History of Vaccines: The Development of the Immunization Schedule*, available at <http://www.historyofvaccines.org/content/articles/development-immunization-schedule> (last visited Feb. 3, 2022).

<sup>39</sup> *Id.* For a complete list of FDA-licensed vaccines, see U.S. Food & Drug Administration, *Vaccines Licensed for Use in the United States*, (last rev. Jan. 1, 2022), available at <https://www.fda.gov/vaccines-blood-biologics/vaccines/vaccines-licensed-use-united-states> (last visited Feb. 3, 2022).

<sup>40</sup> Centers for Disease Control and Prevention. *CDC Yellow Book 2020: Health Information for International Travel*, available at <https://wwwnc.cdc.gov/travel/page/yellowbook-home> (last visited Feb. 3, 2022).

<sup>41</sup> *Id.*

## **Access to Vaccines via Pharmacies during the COVID-19 Pandemic**

### ***State Emergency Action to Authorize Pharmacists and Interns to Vaccinate Children***

On March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52 declaring a state of emergency for the entire state of Florida as a result of COVID-19, allowing for the suspension of certain statutes and rules that prevent, hinder, or delay any necessary action in dealing with the state of emergency caused by COVID-19.<sup>42</sup>

On October 1, 2020, the State Surgeon General issued an emergency order,<sup>43</sup> pursuant to authority granted by Executive Order No. 20-52, suspending the provision of s. 465.189(1), F.S., to the extent necessary to authorize a certified pharmacist, or a certified pharmacy intern, to administer vaccines approved or licensed by the FDA to individuals under 18 years of age if the vaccine were approved for use in individuals under 18 years of age and upon receipt of a medical consent for the minor signed by a person who has the power to consent to the minor's medical care or treatment.

The Surgeon General's emergency order also authorized such practitioners to order and administer vaccines according to the CDC's ACIP immunization schedules and any vaccine approved by the FDA to immunize individuals against COVID-19.

This emergency order remained in effect until the expiration of all extensions of Executive Order No. 20-52 on June 26, 2021.

### ***Federal Authorization for Pharmacy Technicians to Vaccinate Children and Adults***

On January 31, 2020, HHS Secretary Alex M. Azar II issued an official determination that, due to confirmed cases of COVID-19, a public health emergency existed and had existed since January 27, 2020, nationwide.<sup>44</sup> That declaration has been renewed eight times, most recently on January 14, 2022, by current HHS Secretary Xavier Becerra, and is still in effect as of this writing.<sup>45</sup> The current renewal became effective January 16, 2022, and will expire after 90 days unless renewed again.

On October 20, 2020, HHS issued guidance<sup>46</sup> under the public health emergency regarding the administration of vaccines to children and adults by pharmacy interns and technicians during the COVID-19 pandemic.

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<sup>42</sup> State of Florida, Office of the Governor, *Executive Order*, Number 20-52, available at [https://www.flgov.com/wp-content/uploads/orders/2020/EO\\_20-52.pdf](https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-52.pdf) (last visited Feb. 3, 2022).

<sup>43</sup> State of Florida, Department of Health, State Surgeon General, *Emergency Order*, (Oct. 1, 2020) DOH No. 20-014, available at <https://floridahealthcovid19.gov/wp-content/uploads/2020/10/DOH-Emergency-Order-No-20-014.pdf> (last visited Feb. 3, 2022).

<sup>44</sup> U.S. Dept. of Health and Human Services, *Determination that a Public Health Emergency Exists*, Jan. 31, 2020, available at: <https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx> (last visited Feb. 2, 2022).

<sup>45</sup> U.S. Dept. of Health and Human Services, *Renewal of Determination that a Public Health Emergency Exists*, Jan. 14, 2022, available at: <https://aspr.hhs.gov/legal/PHE/Pages/COVID19-14Jan2022.aspx> (last visited Feb. 2, 2022).

<sup>46</sup> U.S. Dept. of Health and Human Services, *Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing*, Oct. 20, 2020, available at: <https://www.hhs.gov/sites/default/files/prep-act-guidance.pdf> (last visited Feb. 2, 2022).

Under the October 20, 2020, guidance, HHS authorized pharmacy interns and technicians, acting under the supervision of a qualified pharmacist and subject to satisfaction of specified requirements, to administer FDA-authorized or FDA-licensed COVID-19 vaccines to persons three years old or older and to administer FDA-authorized or FDA-licensed vaccines that are ACIP-recommended to persons three years old through 18 years old, according to ACIP's standard immunization schedule. The guidance also provides that such interns and technicians are "covered persons" under the federal Public Readiness and Emergency Preparedness Act (PREP Act).<sup>47</sup>

The guidance requires pharmacy interns and technicians who are not authorized to administer vaccines to children and adults by their licensing state, to satisfy a set of requirements before administering vaccines under the guidance, including:

- The vaccination must be ordered by the supervising pharmacist.
- The supervising pharmacist must be readily and immediately available to an immunizing pharmacy technician.
- In the case of a COVID-19 vaccine, the vaccination must be ordered and administered according to ACIP's COVID-19 vaccine recommendation(s).
- A pharmacy technician or intern must complete a practical training program that is approved by the Accreditation Council for Pharmacy Education (ACPE).<sup>48</sup> This training program must include hands-on injection technique and the recognition and treatment of emergency reactions to vaccines.
- A pharmacy technician or intern must have a current certificate in basic cardiopulmonary resuscitation.
- A pharmacy technician must complete a minimum of two hours of ACPE-approved, immunization-related continuing pharmacy education during his or her state licensing renewal period.
- The pharmacy technician or intern must, if the patient is 18 years of age or younger, inform the patient and the adult caregiver accompanying the patient of the importance of a well-child visit with a pediatrician or other licensed primary-care provider and refer patients as appropriate.

### ***Preemption of State or Local Law***

The HHS guidance further provides that its authorization described above preempts any state or local law that prohibits or effectively prohibits those who satisfy the guidance's requirements from administering COVID-19 or routine childhood vaccines according to the parameters found in the guidance.

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<sup>47</sup> The PREP Act of 2005 authorizes the Secretary of HHS to issue a declaration to provide liability immunity to certain individuals and entities against any claim of loss caused by, arising out of, relating to, or resulting from the manufacture, distribution, administration, or use of medical countermeasures, except for claims involving "willful misconduct" as defined in the PREP Act. Under the PREP Act, a declaration may be amended as circumstances warrant.

<sup>48</sup> The ACPE sets standards for the education of pharmacists to prepare them for the delivery of pharmacist-provided patient care. The ACPE is recognized by the U.S. Dept. of Education as the national agency for the accreditation of professional degree programs in pharmacy. The ACPE also serves as the national agency for the accreditation of providers of continuing education. In collaboration with the American Society of Health-System Pharmacists, the ACPE accredits pharmacy technician education and training programs.

Therefore, even though Florida law does not authorize pharmacy technicians to administer vaccines to anyone, and does not authorize pharmacy interns to administer vaccines to children, the HHS guidance prevails, and such interns and technicians meeting the requirements found in the guidance are federally authorized to vaccinate children and adults under the guidance despite Florida law to the contrary, until the HHS authority is terminated.

### ***Participation by Pharmacies and Pharmacy Technicians***

Only ten states currently allow pharmacy technicians to administer immunizations or vaccines under state regulatory authority, with varying requirements for training and supervision.<sup>49</sup> Florida is not among those states. However, with the HHS guidance, pharmacies nationwide have indicated a willingness to participate and utilize the federal authority for pharmacy technicians found in the guidance, with several national retail pharmacies encouraging the issuance of the guidance, according to Forbes Magazine, and one indicating its national workforce of 60,000 pharmacy technicians would be available, plus an additional 10,000 newly-hired technicians.<sup>50</sup>

### ***Pharmacy Technician Supervisory Ratio***

The HHS guidance authorizes pharmacy technicians to administer vaccines under the supervision of a qualified pharmacist but does not speak to how many pharmacy technicians may be supervised by a single pharmacist at one time during such vaccinations.

Under BOP rules, on most occasions, a Florida-licensed pharmacist is authorized to supervise up to six pharmacy technicians simultaneously. Under that authority, coupled with authority granted in the HHS guidance, a single pharmacist in Florida might currently be supervising up to six pharmacy technicians simultaneously while the pharmacy technicians are administering vaccines to children and adults, even though that six-to-one ratio was adopted by the BOP with the understanding that pharmacy technicians are not authorized to administer vaccines under any circumstances.<sup>51</sup>

## **III. Effect of Proposed Changes:**

Under current law, pharmacy technicians are not authorized to administer immunizations and vaccines in Florida. CS/SB 1892 expands the scope of practice of registered pharmacy technicians by authorizing qualified pharmacy technicians to administer certain immunizations and vaccines to adults under the supervision of a certified pharmacist.

**Section 1** amends s. 465.014, F.S., to require that a pharmacy technician seeking to administer immunizations and vaccines under s. 465.189, F.S., must be certified to do so pursuant to a certification program approved by the BOP, in consultation with the Board of Medicine and the

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<sup>49</sup> Department of Health, *2022 Agency Legislative Bill Analysis: HB 1209*, Jan. 28, 2022 (on file with the Senate Health Policy Committee).

<sup>50</sup> Bruce Jaspen, Forbes.com, *In Boost To CVS And Walgreens, U.S. Expands Covid-19 Vaccination Powers To Pharmacy Techs*, Nov. 2, 2020, available at: <https://www.forbes.com/sites/brucejaspen/2020/11/02/in-boost-to-cvs-and-walgreens-us-expands-covid-19-vaccination-powers-to-pharmacy-techs/> (last visited Feb. 2, 2022).

<sup>51</sup> The current version of Fla. Admin. Code R. 64B16-27.410, which allows for the six-to-one ratio, became effective January 16, 2019.

Board of Osteopathic Medicine. The certification program must have at least 10 hours of immunization-related training approved by the BOP and must include a curriculum of instruction concerning the safe and effective administration of vaccines, such as potential allergic reactions, first-aid training, and cardiopulmonary resuscitation training.

The bill also requires that, as a condition of registration renewal, a pharmacy technician seeking to administer immunizations and vaccines under s. 465.189, F.S., must complete at least two hours of continuing education approved by the BOP relating to the technician certification program training, in addition to the biennial continuing education otherwise required for renewal.

**Section 2** amends s. 465.189, F.S., to add pharmacy technicians to the list of pharmacy practitioners who may become certified to administer immunizations and vaccines. Under current law, only pharmacists and pharmacy interns are so authorized.

The bill updates the following immunizations and vaccines that Florida pharmacy practitioners may administer from those listed as of April 30, 2021 to those listed as of March 11, 2022:<sup>52</sup>

- The CDC Adult Immunization Schedule;
- The CDC immunizations and vaccine recommendations for international travel; and
- Those immunizations or vaccines licensed or authorized for emergency use by the FDA.

The bill provides that a certified pharmacy intern or technician who administers an immunization or vaccine must be supervised by a certified pharmacist at a ratio of one pharmacist to one intern or technician.

The bill makes other technical revisions and clarifications to s. 465.189, F.S.

The bill takes effect on July 1, 2022.

#### **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.

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<sup>52</sup> April 30, 2021, was day 60 of the 2021 Regular Session of the Legislature. March 11, 2022, is day 60 of the 2022 Regular Session of the Legislature.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Once the HHS guidance that currently authorizes pharmacy technicians to administer vaccines to both children and adults expires, the bill may make immunizations and vaccines more accessible and convenient for adults in Florida.

C. Government Sector Impact:

The bill will have a significant negative fiscal impact on the Department of Health (DOH). The DOH estimates that the bill will require three additional full-time-equivalent (FTE) positions to implement the bill at an annual cost of \$170,674, of which \$13,947 is nonrecurring.

Two FTE are needed to manage the increased workload as a result of the additional applications submitted for certification to administer vaccines, and one FTE is needed to field phone calls related to the new certification.

According to the DOH the bill will have the following additional impacts on workload, however, these impact can be absorbed within existing resources:

- The DOH will be required to update applications and related electronic licensing systems to accommodate the new certification requirement.
- The BOP will be required to complete rulemaking to revise the existing application forms and to adopt language specific to the certification process.
- A communications plan will need to be developed by the DOH to ensure all information on its website reflects the bill's provisions, that affected parties are notified of the change in law, and to ensure personnel are trained to provide accurate information.
- The DOH will be required to update the pharmacy technician registration renewal application and associated electronic application systems and complete rulemaking to adopt the new forms.<sup>53</sup>

**VI. Technical Deficiencies**

None.

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<sup>53</sup> Department of Health, 2022 *Agency Legislative Bill Analysis: HB 1209*, Jan. 28, 2022 (on file with the Senate Health Policy Committee).

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 465.014 and 465.189.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Health Policy on February 10, 2022:**

The CS modifies the education and training requirements that pharmacy technicians must meet before being certified by the BOP to administer vaccines and immunizations. The CS requires 10 hours of training, as opposed to 20 hours in the underlying bill. The CS also specifies that the training must include, but not be limited to, potential allergic reactions, first-aid, and CPR training, and be approved by the BOP, while the underlying bill required training to be approved by the BOP or the ACPE and specified the training must include, but not be limited to, potential allergic reactions. Likewise, the CS requires the related continuing education for pharmacy technicians must be approved by the BOP while the underlying bill allowed the continuing education to be approved by the BOP or the ACPE.

- B. **Amendments:**

None.



By the Committee on Health Policy; and Senator Burgess

588-02947-22

20221892c1

A bill to be entitled

An act relating to administration of vaccines; amending s. 465.014, F.S.; specifying training requirements for registered pharmacy technicians seeking to administer certain vaccines; providing requirements for such training; requiring such registered pharmacy technicians to complete certain additional continuing education as a condition of registration renewal; amending s. 465.189, F.S.; authorizing certified registered pharmacy technicians to administer specified immunizations and vaccines under certain circumstances; revising the specified immunizations and vaccines that certified pharmacists, registered interns, and registered pharmacy technicians may administer; revising a certain staffing ratio for supervising pharmacists; requiring pharmacists to maintain certain liability insurance in a specified amount in order to administer immunizations and vaccines; specifying certification requirements for registered pharmacy technicians seeking to administer immunizations and vaccines; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (7) and (8) of section 465.014, Florida Statutes, are redesignated as subsections (8) and (9), respectively, and a new subsection (7) is added to that section, to read:

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

588-02947-22

20221892c1

465.014 Pharmacy technician.—

(7) A registered pharmacy technician seeking to administer vaccines under s. 465.189 must be certified to administer such vaccines pursuant to a certification program approved by the board in consultation with the Board of Medicine and the Board of Osteopathic Medicine. The certification program must have at least 10 hours of immunization-related training approved by the board which must, at a minimum, have a curriculum of instruction concerning the safe and effective administration of such vaccines, including, but not limited to, potential allergic reactions to such vaccines, first-aid training, and cardiopulmonary resuscitation training. As a condition of registration renewal, a registered pharmacy technician seeking to administer vaccines under s. 465.189 must have at least 2 hours of continuing education approved by the board relating to the certification program training, in addition to the biennial continuing education required in subsection (6).

Section 2. Subsections (1), (4), (5), and (7) of section 465.189, Florida Statutes, are amended to read:

465.189 Administration of vaccines and epinephrine autoinjection.—

(1) In accordance with guidelines of the Centers for Disease Control and Prevention for each recommended immunization or vaccine, a pharmacist who is certified under subsection (7), or a registered intern or registered pharmacy technician who is under the supervision of a pharmacist and ~~who~~ is certified under subsection (7), may administer the following immunizations or vaccines to an adult within the framework of an established protocol under a supervising physician licensed under chapter

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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458 or chapter 459:

(a) Immunizations or vaccines listed in the Adult Immunization Schedule as of March 11, 2022 ~~April 30, 2021~~, by the United States Centers for Disease Control and Prevention. The board may authorize by rule additional immunizations or vaccines as they are added to the Adult Immunization Schedule.

(b) Immunizations or vaccines recommended by the United States Centers for Disease Control and Prevention for international travel as of March 11, 2022 ~~April 30, 2021~~. The board may authorize by rule additional immunizations or vaccines as they are recommended by the United States Centers for Disease Control and Prevention for international travel.

(c) Immunizations or vaccines licensed for use in the United States, or which have been authorized for emergency use, by the United States Food and Drug Administration as of March 11, 2022 ~~April 30, 2021~~. The board may authorize by rule additional immunizations or vaccines as they are so licensed or authorized.

(d) Immunizations or vaccines approved by the board in response to a state of emergency declared by the Governor pursuant to s. 252.36.

A registered intern or registered pharmacy technician who administers an immunization or vaccine under this subsection must be supervised by a certified pharmacist at a ratio of one pharmacist to one registered intern or registered pharmacy technician.

(4) A pharmacist may not enter into a protocol under a supervising physician licensed under chapter 458 or chapter 459

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or administer an immunization or vaccine under this section unless he or she maintains at least \$200,000 of professional liability insurance and has completed training in administering vaccines authorized under this section.

(5) A pharmacist administering immunizations or vaccines under this section shall maintain and make available patient records using the same standards for confidentiality and maintenance of such records as those that are imposed on health care practitioners under s. 456.057. These records shall be maintained for a minimum of 5 years.

(7) Any pharmacist, ~~or~~ registered intern, or registered pharmacy technician seeking to administer immunizations and vaccines under this section must be certified to administer such immunizations and vaccines pursuant to a certification program approved by the board ~~of Pharmacy~~ in consultation with the Board of Medicine and the Board of Osteopathic Medicine. The certification program must ~~shall~~, at a minimum, require that the pharmacist attend at least 20 hours of continuing education classes approved by the board, ~~and~~ the registered intern complete at least 20 hours of coursework approved by the board, and the registered pharmacy technician complete immunization-related training and continuing education as specified in s. 465.014(7). The certification programs must, at a minimum, ~~program shall~~ have a curriculum of instruction concerning the safe and effective administration of such immunizations and vaccines, including, but not limited to, potential allergic reactions to such vaccines.

Section 3. This act shall take effect July 1, 2022.

2.21.2022

Meeting Date

Appropriations

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
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1892

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Greg Black**

Phone **509-8022**

Address **PO Box 838**

Email **Greg@WaypointStrat.com**

Street

**Tallahassee**

**FL**

**32302**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**National Association of Chain Drug Stores**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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SB1892

Bill Number or Topic

2/21/22  
Meeting Date

Committee

Amendment Barcode (if applicable)

Name

Clauden Davant

Phone

850 567 0979

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:



In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

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5-001 (08/10/2021)

The Florida Senate

2/21/2022

APPEARANCE RECORD

SB1892

Meeting Date

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Bill Number or Topic

APPROPRIATIONS

Committee

Amendment Barcode (if applicable)

Name ~~Appropriations~~ MICHAEL JACKSON Phone (850) 222-2400

Address 610 North Adams Street Email jackson@pharmview.com

Street

Tallahassee

Florida

32301

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information OR Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Pharmacy Association

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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Feb. 21, 2022

Meeting Date

Appropriations

Committee

1892

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Grace Lovett**

Phone **850.222.4084**

Address **227 S. Adams Street**

Street

Email **Grace@frf.org**

**Tallahassee**

City

**FL**

State

**32301**

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Retail Federation**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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**BILL:** PCS/SB 7034 (878354)

**INTRODUCER:** Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); and Children, Families, and Elder Affairs Committee

**SUBJECT:** Child Welfare

**DATE:** February 8, 2022

**REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Preston	Cox		<b>CF Submitted as Committee Bill</b>
1.	Sneed	Money	AHS	<b>Recommend: Fav/CS</b>
2.	Sneed	Sadberry	AP	<b>Pre-meeting</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 7034 makes a number of changes to current law relating to monthly payment amounts for foster parents and relative and nonrelative caregivers and other assistance aimed at benefiting the lives of foster youth.

The bill increases the amount of monthly payments to relative and nonrelative caregivers to achieve parity with rates currently paid to traditional foster parents. Specifically, the bill amends section 39.5085, Florida Statutes, increasing the monthly payment amounts for relative and nonrelative caregivers who have children placed with them in out-of-home care to match the rates for Level II through Level V family foster home placements for the following:

- For no more than 6 months after the date of both the placement of the child and the adjudication of dependency, regardless of whether the caregiver has obtained licensure as a child-specific Level I foster placement.
- From the date the caregiver has obtained licensure as a child-specific Level I foster placement, regardless of whether a court has found that the child is dependent, until the child reaches permanency.

Additionally, the bill provides that relatives or nonrelatives who do not obtain licensure as a child-specific Level I foster placement within a specified amount of time from the date the child is adjudicated dependent and is placed in out-of-home care, must receive a monthly payment less than the \$333 monthly payment provided to a participant enrolled in the Guardianship Assistance

Program (GAP). The amount will be determined by rule and will be applicable for the duration of the open case unless the relative or nonrelative caregiver obtains licensure as a child-specific Level I foster placement.

The continued eligibility to receive a higher monthly rate for licensed child-specific Level I placements will create a payment structure that motivates caregivers to get licensed while also assisting these caregivers with providing for the needs of the children placed in their care.

The bill maintains current law for relatives or nonrelatives of children who reach permanency in a permanent guardianship, but whose relative caregivers are not enrolled in GAP, by providing that such caregivers must receive a monthly payment in an amount determined by rule, which must be less than the \$333 monthly payment provided to a participant enrolled in the GAP.

The bill also amends section 409.145, Florida Statutes, to apply the annual cost of living increase and the supplemental payment for teaching life skills and providing normalcy supports to children who are 13-17 years of age to the same caregivers mentioned above.

The bill also provides a \$200 per month subsidy to any foster parents and relative and nonrelative caregivers who have a child placed in their home between the ages of birth to school entry. This subsidy is provided for each child in the home that meets the age requirement regardless of whether the caregiver is licensed or not, but the child must be placed in out-of-home care with the caregiver and be the subject of an open dependency proceeding.

Lastly, the bill expands the scope of potential students eligible for a tuition and fee exemption at a workforce education program, a Florida College System institution or a state university, to certain students who have been the subject of a dependency proceeding, including for students who:

- Are, or were at the time of reaching 18 years of age, in out-of-home care, rather than in the custody of the DCF as is provided for in current law.
- After reaching 14 years of age, spent at least 18 months in out-of-home care and was reunified with his or her parents who were the subject of the dependency proceeding before reaching 18 years of age if the student is also Pell Grant-eligible.
- Have been placed in a permanent guardianship, regardless of whether the caregiver participates or participated in the Relative Caregiver Program, and such student remains in the guardianship either until the student reaches 18 years of age or, if before reaching 18 years of age, he or she enrolls in an eligible institution.

The bill is expected to have a significant, indeterminate negative fiscal impact on the Department of Children and Families (DCF). See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2022.



## II. Present Situation:

### Florida's Child Welfare System - Overview

Current law requires any person who knows or suspects that a child has been abused, abandoned, or neglected to report such knowledge or suspicion to the Florida central abuse hotline (hotline).<sup>1</sup> A child protective investigation begins if the hotline determines the allegations meet the statutory definition of abuse,<sup>2</sup> abandonment,<sup>3</sup> or neglect.<sup>4</sup> A child protective investigator either investigates the situation immediately or within 24 hours after the report is received, depending on the nature of the allegation.<sup>5</sup>

After conducting an investigation, if the child protective investigator determines that the child is in need of protection and supervision that necessitates removal, the investigator may initiate formal proceedings to remove the child from his or her home. When the DCF removes a child from the home, a series of dependency court proceedings must occur before a child may be adjudicated dependent.<sup>6</sup>

Subsequent to a child being found dependent, a court must hold a disposition hearing to determine a course of treatment and services and placement of the child under protective supervision.<sup>7</sup> The court must first consider placing the child with relatives.<sup>8</sup> If a child cannot safely remain in the original home and no adult relative is available for temporary, legal custody, the child may be placed with an adult willing to care for the child under the protective supervision of the DCF.<sup>9</sup> Placing the child in the temporary, legal custody of the DCF invests the DCF with the rights and responsibilities of a legal custodian.<sup>10</sup>

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<sup>1</sup> Section 39.201(1), F.S.

<sup>2</sup> Section 39.01(2), F.S. The term “abuse” means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

<sup>3</sup> Section 39.01(1), F.S. The term “abandoned” or “abandonment” means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child’s care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

<sup>4</sup> Sections 39.01(50) and 39.201(2)(a), F.S. “Neglect” occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering necessary services.

<sup>5</sup> Section 39.101(2), F.S.

<sup>6</sup> See s. 39.01(14), F.S., for the definition of “child who is found to be dependent”.

<sup>7</sup> Section 39.521(1), F.S.

<sup>8</sup> Section 39.507(7)(c), F.S.

<sup>9</sup> Section 39.521(3)(c), F.S.

<sup>10</sup> Section 39.521(3)(d), F.S.

The DCF must develop and refine a case plan<sup>11</sup> for each child receiving services throughout the dependency process with input from all parties to the child's dependency case. The case plan details are required to be tailored to address the abuse, abandonment, or neglect that gave rise to the abuse report, consider any other issues which would support family preservation if appropriate, and identify services to address the child's needs, as those needs are identified during the child protective investigation and throughout the case.<sup>12</sup>

The goal is for the dependency court and all parties involved in the child's case to ensure the child remains safe.<sup>13</sup>

When children are placed in out-of-home care, child welfare agencies must find safe, permanent homes for them as quickly as possible. In most cases, children are reunified with their families. When reunification is not possible, the DCF seeks to place children in permanent homes with relatives or adoptive families. Florida law requires a permanency hearing no later than 12 months after the child was removed from the home or within 30 days after a court determines that reasonable efforts to return the child to either parent are not required, whichever occurs first.<sup>14</sup> The purpose of the permanency hearing is for the court to determine when the child will achieve permanency or whether modifying the permanency goal is in the child's best interest.<sup>15</sup> A permanency hearing must be held at least every 12 months for any child who continues to be supervised by the DCF or awaits adoption.<sup>16</sup>

The permanency goals under Florida law, listed in order of preference are:

- Reunification;
- Adoption, if a petition for termination of parental rights has been or will be filed;
- Permanent guardianship under s. 39.6221, F.S.;
- Permanent placement with a fit and willing relative under 39.6231, F.S.; or
- Placement in another planned permanent living arrangement under s. 39.6241, F.S.<sup>17</sup>

### **Out-of-Home Placement Options**

As mentioned above, the child welfare system identifies families whose children are in danger of suffering or have suffered abuse, abandonment, or neglect and works with those families to address the problems that are endangering children. If the problems cannot be ameliorated, the child welfare system finds other caregivers for children, such as foster families, relative and

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<sup>11</sup> Section 39.01(11), F.S., defines "case plan" to mean a document, as described in s. 39.6011, F.S., related to case plan development, prepared by the DCF with input from all parties. The case plan follows the child from the provision of voluntary services through any dependency, foster care, or termination of parental rights proceeding or related activity or process.

<sup>12</sup> Sections 39.6011 and 39.6012, F.S. Case plans must be developed in a face-to-face conference with the child's parent, any court-appointed Guardian ad Litem, and the child's temporary custodian and, if appropriate, the child.

<sup>13</sup> Section 39.001(1)(a), F.S.

<sup>14</sup> S. 39.621(1), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Section 39.621(3), F.S.

nonrelative caregivers, or adoptive families.<sup>18</sup> These various types of placements as well as the specific licensure requirements are discussed below in more detail.

### ***Relative and Nonrelative Caregivers***

When children cannot remain safely with their parents, placement with relatives is preferred over placement in foster care with nonrelatives. Caseworkers try to identify and locate a relative or relatives who can safely care for the children while parents receive services to help them address the issues that brought the children to the attention of child welfare.<sup>19</sup> Placement with relatives, or kinship care, provides permanency for children and helps them maintain family connections. Kinship care is the raising of children by grandparents, other extended family members, and nonrelative adults with whom they have a close, family-like relationship, such as godparents and close family friends.<sup>20</sup>

In Florida, there were 22,078 children in out-of-home care as of December 31, 2021, and fewer than half of those children were placed with approved relatives and nonrelatives and the rest were placed in licensed foster care, group care, or in another placement.<sup>21</sup>

### ***Relative Caregiver Program (RCP)***

The RCP was established in 1998<sup>22</sup> for the purpose of recognizing the importance of family relationships and providing additional placement options and incentives to help achieve permanency and stability for many children who are otherwise at risk of foster care placement. The program has been expanded<sup>23</sup> since its inception and currently the program applies to:

- Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under ch. 39, F.S.;
- Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child, and a dependent half-brother or half-sister of that dependent child, in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative;

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<sup>18</sup> See s. 39.001(1), F.S.

<sup>19</sup> See s. 39.4015(3), F.S. The DCF is required to collaborate with sheriffs' offices that conduct child protective investigations and community-based care lead agencies to develop a family finding program. Family-finding efforts by the DCF and the community-based care lead agencies may include, but are not limited to: 1. searching for and locating adult relatives and fictive kin; 2. identifying and building positive connections between the child and the child's relatives and fictive kin; 3. supporting the engagement of relatives and fictive kin in social service planning and delivery of services and creating a network of extended family support to assist in remedying the concerns that led to the child becoming involved with the child welfare system, when appropriate; 4. maintaining family connections, when possible; and 5. keeping siblings together in care when possible and when in the best interest of each child.

<sup>20</sup> The American Bar Association, *Kinship Care is Better for Children and Families*, available at [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-36/july-aug-2017/kinship-care-is-better-for-children-and-families/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-36/july-aug-2017/kinship-care-is-better-for-children-and-families/) (last visited January 11, 2022).

<sup>21</sup> 8,084 of these children were placed with approved relatives and nonrelatives and 10,490 with another placement. See the DCF, *Children in Out-of-Home Care – Statewide* (December 31, 2021), available at <https://www.myflfamilies.com/service-programs/child-welfare/dashboard/> (last visited January 12, 2022).

<sup>22</sup> Chapter 1998-78, L.O.F.

<sup>23</sup> Chapter 2014-224, L.O.F.

- A relative or nonrelative caregiver, but the relative or nonrelative caregiver may not receive a Relative Caregiver Program payment if the parent or stepparent of the child resides in the home; and
- Nonrelatives who have a close relationship with the child but who are not a blood relative or a relative by marriage.<sup>24</sup>

The RCP provides that relatives and nonrelatives who have a child or children placed in out-of-home in their care and who have found to be dependent are eligible for financial assistance. The court must find that a proposed placement is in the best interest of the child, but relatives or nonrelatives who qualify for and participate in the RCP are not required to meet foster care licensing requirements under s. 409.175, F.S., in order for the child to be placed in the home or for the caregiver to receive financial assistance to care for the child.<sup>25</sup> The amount of the monthly payment is determined by rule and discussed below.

Additionally, within available funding, the RCP is also required to provide caregivers with family support and preservation services, school readiness assistance, and other available services in order to support the child's safety, growth, and healthy development. Children living with caregivers who are receiving assistance under the program are also eligible for Medicaid coverage.<sup>26</sup>

### ***Licensed Foster Care***

Foster home placements are intended to provide a temporary, safe place to live until a child can be reunited with his or her family, an adoptive family is identified, or other permanency is achieved. Section 409.175(2)(e), F.S., defines a "family foster home" as a private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes and specialized foster homes for children with special needs. A family foster home does not include an adoptive home which has been approved by the DCF or by a licensed child-placing agency for children placed for adoption.<sup>27</sup>

The recruitment, training, and licensing of foster parents is conducted by 18 community-based care agencies that maintain contracts with the DCF.<sup>28</sup> The total number of children placed in a family foster home must be based on the needs of each child in care; the ability of the foster family to meet the individual needs of each child, including any adoptive or biological children or young adults remaining in foster care living in the home; the amount of safe physical plant space; the ratio of active and appropriate adult supervision; and the background, experience, and

<sup>24</sup> See s. 39.5085(2)(a), F.S.

<sup>25</sup> Section 39.5085(2)(a)3., F.S.

<sup>26</sup> Section 39.5085, F.S.

<sup>27</sup> Section 409.175(2)(e), F.S.

<sup>28</sup> The DCF, *Lead Agency Map*, available at <https://www.myflfamilies.com/service-programs/community-based-care/lead-agency-map.shtml> (last visited January 12, 2022). The DCF terminated the contract with Eckerd Connects for Circuit 6 and Family Support Services of North Florida took over on January 1, 2022. Eckerd Connects will carry out its contract until it expires June 30, 2022. WFLA, *DCF, Eckerd Connects ending child welfare services contracts in 3 Tampa Bay counties*, available at <https://www.wfla.com/news/local-news/dcf-eckerd-connects-end-child-welfare-services-in-3-tampa-bay-counties/>; WUSF Public Media, *Family Support Services of North Florida will fully take over on January 1, 2022*, Nov. 30, 2021, available at [State selects replacement for Eckerd Connects to run foster care in Pinellas, Pasco](https://www.wusf.com/news/family-support-services-of-north-florida-will-fully-take-over-on-january-1-2022/) | WUSF Public Media (all sites last visited Jan. 7, 2022).

skill of the family foster parents.<sup>29</sup> Foster parents are responsible for the care and well-being of the child, including maintaining their health, safety, and best interests and encouraging emotional and developmental growth. Following placement, a foster child should be closely monitored by a case worker, who provides support and additional training related to special needs.<sup>30</sup>

In 2019, Florida moved to a system of foster home licensing that consisted of five distinct levels:

- Level I: Child-Specific Foster Home.
- Level II: Non-Child Specific Foster Home.<sup>31</sup>
- Level III: Safe Foster Home for Victims of Human Trafficking.
- Level IV: Therapeutic Foster Home.
- Level V: Medical Foster Home.<sup>32</sup>

#### Level I: Child-Specific Foster Home

A child specific licensed foster home is a new licensure type designed for relatives and nonrelatives who have an existing relationship with the child for whom they are seeking licensure. When a child is not able to safely remain at home with their parents, a family or like-family member who is willing and able to provide care for the child is the next best alternative.<sup>33</sup>

#### Level II: Non-Child Specific Foster Home

A non-child specific licensed foster home is identified when placement with a relative or nonrelative caregiver is not possible. This licensure type is available to individuals in the community who may be interested in fostering.<sup>34</sup>

#### Level III: Safe Foster Home for Victims of Human Trafficking

This level of licensure is for individuals interested in providing a safe and stable environment for victims of human trafficking.<sup>35</sup> Florida law defines “human trafficking” as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining,<sup>36</sup> purchasing, patronizing, procuring, or obtaining<sup>37</sup> another person for the purpose of exploitation of that person.<sup>38</sup> In Florida, any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving

<sup>29</sup> Section 409.175(3)(a) and (b), F.S., provides that the DCF may grant a capacity waiver in certain instances.

<sup>30</sup> See s. 409.1415(2), F.S., for specific roles and responsibilities of foster parents.

<sup>31</sup> Previously “Traditional” foster homes are now Level II.

<sup>32</sup> The DCF, *Levels of Foster Care Licensure*, available at <https://www.myflfamilies.com/service-programs/foster-care/levels.shtml>; Florida FAPA, *Become a Foster Parent*, available at [Become A Foster Parent – FloridaFAPA.org](https://www.floridafapa.org/become-a-foster-parent) (all sites last visited January 12, 2022).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> Section 787.06(2)(f), F.S., provides “maintain” means, in relation to labor or services, to secure or make possible continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service. Section 787.06(2)(h), F.S., defines “services” as any act committed at the behest of, under the supervision of, or for the benefit of another, including forced marriage, servitude, or the removal of organs.

<sup>37</sup> Section 787.06(2)(g), F.S., provides “obtain” means, in relation to labor, commercial sexual activity, or services, to receive, take possession of, or take custody of another person or secure performance thereof. Section 787.06(2)(e), F.S., provides “labor” means work of economic or financial value.

<sup>38</sup> Section 787.06(2)(d), F.S.

anything of value from participation in a venture that has subjected a person to human trafficking for labor or services, or commercial sexual activity, commits a crime.<sup>39</sup>

#### Level IV: Therapeutic Foster Home

This level of licensure is for caregivers who have received specialized training to care for a wide variety of children and adolescents who may have significant emotional, behavioral, or social needs. As a therapeutic foster parent, individualized care is provided in the home by the foster parent to ensure a child receives the appropriate level of care in the least restrictive setting.<sup>40</sup>

#### Level V: Medical Foster Home

This licensure type is for caregivers who have received specialized training to provide care for children and adolescents with chronic medical conditions. Medical foster parents enable children from birth through age 20 with medically-complex conditions whose parents are unable to care for them in their own homes, to live and receive care in a foster home rather than in hospitals or other facility settings.<sup>41</sup>

#### ***Foster Placement Licensure***

It is less cumbersome to obtain a Level I foster license than it is to obtain licensure as a Level II through Level V family foster placement. A high level summary of the differences in licensure requirements is included in the table below:<sup>42</sup>

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<sup>39</sup> Section 787.06(3), F.S.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> The DCF, *Power Point Presentation on Overview of Out-of-Home Care Placements and Caregivers*, Committee on Children Families and Elder Affairs, October 18, 2021, p. 5, available at [https://www.flsenate.gov/Committees/Show/CF/MeetingPacket/5296/9500\\_MeetingPacket\\_5296\\_2.pdf](https://www.flsenate.gov/Committees/Show/CF/MeetingPacket/5296/9500_MeetingPacket_5296_2.pdf) (last visited January 12, 2022).

<b>Requirement Category</b>	<b>Level I: Child Specific Foster Home</b>	<b>Level II: Non-Child Specific Foster Home</b>	<b>Level III: Safe Foster Home for Human Trafficking Victims</b>	<b>Level IV: Therapeutic Foster Home</b>	<b>Level V: Medical Foster Home</b>
<b>Assessment</b>	<ul style="list-style-type: none"> <li>• Ability to Protect</li> <li>• Physical Environment</li> <li>• Financial Resources</li> <li>• Ability to care, nurture, and meet the child's physical, emotional and educational needs.<sup>43</sup></li> </ul>	Same as Level I	Same as Level I  Medicaid Provider	Same as Level I  Medicaid Provider	Same as Level I  Medicaid Provider
<b>Screening</b>	<ul style="list-style-type: none"> <li>• State and Federal</li> <li>• Local/Civil Checks</li> <li>• DJJ Sexual/Predator Offender</li> <li>• Abuse/ Neglect Checks<sup>44</sup></li> </ul>	Same as Level I and Conviction/Charge Additional Offenses/Disqualifiers <sup>45</sup>	Same as Level II	Same as Level II	Same as Level II
<b>Training</b>	2 DCF licensing hours (online course)	21 DCF licensing hours	21 DCF licensing hours and 24 Commercial Sexual Exploitation hours	21 DCF licensing hours and 30 AHCA hours	21 DCF licensing hours and 32 AHCA hours

### ***Monthly Compensation for Specified Caregivers***

The monthly payment amounts provided to caregivers under current law depend upon the type of caregiver, whether the caregiver is licensed, and whether the dependency proceedings are open or closed where the child has reached permanency. Below is a description of the payment amounts and a table illustrating payments for each type of caregiver placement.

Current law authorizes reimbursement for children in foster care or in residential group homes to begin at the time the child is placed regardless of if a court has found the child to be dependent, also known as an adjudication of dependency. However, the monthly benefit payment for

<sup>43</sup> Section 409.175, F.S., provides that non-safety requirements may be waived.

<sup>44</sup> See s. 39.0138, F.S., and 65C-45.001, F.A.C.

<sup>45</sup> See s. 39.0138, F.S., ch. 435, F.S., and 65C-45.001, F.A.C.

relative and nonrelative caregivers does not begin until the court has made such a finding, which typically takes two months to a year.<sup>46</sup>

Prior to the child being found to be dependent, a relative caregiver is only eligible for temporary cash assistance if he or she is in close enough consanguinity to the child.<sup>47</sup> During this time, a nonrelative caregiver receives no monthly benefit assistance. Once the child has been found to be dependent, the relative becomes eligible for the full Relative Caregiver Program benefit amount.<sup>48</sup>

### Relative Caregiver Program

Under the RCP, a monthly cash assistance is provided to relatives who meet eligibility rules and have custody of a child under age 18 who has been found to be dependent by a Florida court and placed in their home.<sup>49</sup> The amount of the assistance is based on the statewide average monthly rate for children placed by the court with relatives or nonrelatives who are not licensed as foster homes and may not exceed 82 percent of the statewide average foster care rate. Additionally, the cost of providing the assistance to any caregiver in the program may not exceed the cost of providing out-of-home care in an emergency shelter or in foster care.<sup>50</sup>

### Level I Licensed Foster Placement

The current board rate for a relative or nonrelative caregiver who has been licensed as a Level I child-specific foster placement is \$333 per month. This type of foster placement is not currently eligible for the cost of living increase or the supplemental board rate provided to Level II through Level V foster family placements pursuant to s. 409.145(3)(b) and (c), F.S.

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Effective January 1, 2022, the room and board rates paid to these foster parents are:<sup>51 52</sup>

- \$517.94 monthly for children 0-5 years of age.
- \$531.21 monthly for children 6-12 years of age.
- \$621.77 monthly for children 13-21 years of age.<sup>53</sup>

Level II through Level V licensed family foster home placements receive an annual cost of living increase. The cost of living adjustment is based on the annual percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) each December.<sup>54</sup> Additionally, the

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<sup>46</sup> Section 39.5085(2)(a), F.S.

<sup>47</sup> FN

<sup>48</sup> *Id.*

<sup>49</sup> Section 39.5085(2)(a), F.S.

<sup>50</sup> Section 39.5085(2)(d), F.S.

<sup>51</sup> Section 409.145(3)(a), F.S., lists the foster room and board rates in effect July 1, 2018.

<sup>52</sup> Memorandum to Regional Managing Directors and Community-Based Care Lead Agencies CEOs from Taylor Hatch, Deputy Secretary of the Department of Children and Families (January 12, 2022) (on file with the Senate Appropriations Subcommittee on Health and Human Services).

<sup>53</sup> Family foster parents are eligible to receive this monthly room and board rate until the child reaches age 21.

<sup>54</sup> Section 409.145(3)(b), F.S.



board rate amount may be increased upon agreement between the DCF, the community-based care lead agency, and the foster parent.<sup>55</sup>

As demonstrated by the charts below, the monthly cash assistance amount is higher than the Temporary Cash Assistance for one child but less than the amount paid for a child in the foster care program.

<b>Age of Child</b>	<b>RCP (No License requirement)<sup>56</sup></b>	<b>Level I Licensure (Child Specific)<sup>57</sup></b>	<b>Family Foster Homes (Level II-V)<sup>58</sup></b>	<b>Adoption Assistance (Closed case that closes in an adoption)<sup>59</sup></b>	<b>GAP (Closed case that closes in a permanent guardianship status)<sup>60</sup></b>
Ages 0 through 5 years	\$242	\$333	\$517.94	\$417 minimum	\$333 minimum
Ages 6 through 12 years	\$249	\$333	\$531.21	\$417 minimum	\$333 minimum
Ages 13 through 18 years	\$298	\$333	\$621.77	\$417 minimum	\$333 minimum

As an alternative to a monthly room and board or RCP assistance amount, a caregiver may receive a monthly payment after a child is placed in his or her care upon the court finding the child dependent through the DCF's economic self-sufficient programs, including Temporary Cash Assistance for Needy Families (TANF). The amounts that are provided to the caregiver are based on the number of children and are as follows:

- \$180, one child;
- \$241, two children;
- \$303, three children.<sup>61</sup>

A caregiver is prohibited from receiving both the monthly board rate assistance payment under the RCP and TANF payments in the same month.<sup>62</sup>

<sup>55</sup> Section 409.145(3)(f), F.S.

<sup>56</sup> See s. 39.5085, F.S., and the DCF CFOP No. 170-10, ch. 8-7, available at <https://www.myflfamilies.com/admin/publications/cfops/CFOP%20170-xx%20Child%20Welfare/CFOP%20170-10%20Providing%20Services%20and%20Support%20for%20Children%20in%20Care%20and%20for%20Caregivers/CFOP%20170-10,%20%20Providing%20Services%20and%20Support%20for%20Children%20in%20Care%20and%20for%20Caregivers.pdf> (last visited January 13, 2022).

<sup>57</sup> Section 409.145(3)(c), F.S.

<sup>58</sup> Section 409.145(3)(a), F.S.

<sup>59</sup> See s. 409.166, F.S.

<sup>60</sup> See s. 39.6225, F.S.

<sup>61</sup> See s. 414.095(10), F.S. These are monthly benefit amounts per total number of children.

<sup>62</sup> The DCF, *CFOP 170-10, Chapter 8 Relative/Kinship Caregiver Support, 8-7(c)*, September 1, 2020, p. 10, available at <https://www.myflfamilies.com/admin/publications/cfops/CFOP%20170-xx%20Child%20Welfare/CFOP%20170-10%20Providing%20Services%20and%20Support%20for%20Children%20in%20Care%20and%20for%20Caregivers/CFOP%20170-10.%20Chapter%20008,%20Relative-Kinship%20Caregiver%20Support.pdf#:~:text=Temporary%20Assistance%20for%20Needy%20Families%20%28TANF%29%20State%20Plan.,State%20Plan.%20Rule%2065C-28.008%2C%20Florida%20Administrative%20Code%20%28F.A.C.%29> (last visited January 30, 2022).

## **Benefits upon the Child Reaching Permanency**

### ***Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections)***

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) was designed to improve the lives of children and youth in foster care and increase the likelihood that they will be able to leave the foster care system to live permanently with relative caregivers or adoptive families. The law accomplishes this, in part, by allowing states to:

- Extend foster care services for children leaving foster care and adoptive families to the age of 21 years; and
- Establish a subsidized guardianship assistance program for relative caregivers.<sup>63</sup>

### ***Extended Foster Care***

In 2013, the Legislature exercised the option of providing for extended foster care, which applies to young adults aged 18 to 21 who have not achieved permanency prior to their 18<sup>th</sup> birthdays.<sup>64</sup>

The program builds on independent living assistance services that were previously available to young adults who “aged-out” of the foster care system.<sup>65</sup> Extended foster care services are available to young adults who are living in licensed care on their 18<sup>th</sup> birthday and who are:

- Completing secondary education or a program leading to an equivalent credential;
- Enrolled in an institution that provides postsecondary or vocational education; Participating in a program or activity designed to promote or eliminate barriers to employment;
- Employed for at least 80 hours per month; or
- Unable to participate in programs or activities listed above full time due to a physical intellectual, emotional, or psychiatric condition that limits participation.<sup>66</sup>

### ***Title IV-E Guardianship Assistance Program***

Additionally, Fostering Connections encouraged the creation of a federally supported program which was codified in s. 39.6225, F.S. The Guardianship Assistance Program (GAP) is for relatives, which includes fictive kin. Section 39.01, F.S., defines “relative” to mean fictive kin,<sup>67</sup> relative,<sup>68</sup> or next of kin.<sup>69</sup>

The GAP provides for reimbursement under federal Title IV-E<sup>70</sup> to support kinship guardianship payments for children living in the homes of relative caregivers who become the children’s legal

<sup>63</sup> P.L. 110-351.

<sup>64</sup> Chapter 2013-178, L.O.F.

<sup>65</sup> Section 409.1451, F.S.

<sup>66</sup> Section 39.6251(2), F.S.

<sup>67</sup> Section 39.01(28), F.S., defines “fictive kin” as a person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship, to a child.

<sup>68</sup> Section 39.01(73), F.S., defines “relative” to mean a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

<sup>69</sup> Section 39.01(51), F.S., defines “next of kin” to mean an adult relative of a child who is the child’s brother, sister, grandparent, aunt, uncle, or first cousin.

<sup>70</sup> The Title IV-E Foster Care Program provides funds to title IV-E agencies (states and Tribes) to assist with the costs of foster care maintenance for eligible children; administrative expenses to manage the program; and training for staff, foster

guardians through a permanent guardianship option.<sup>71</sup> The DCF is required to provide guardianship assistance payments to a participant enrolled in the GAP program for an eligible child in the amount of \$4,000 annually, paid on a monthly basis, which equals \$333 per month. However, the DCF is authorized to provide an amount other than \$4,000 annually as determined by the guardian and the DCF if the alternate amount is memorialized in a written agreement between the guardian and the DCF and the agreement takes into consideration the circumstances of the guardian and the needs of the child.<sup>72</sup>

Both the child and the “relative” may be eligible for assistance under the GAP program. If a child meets certain Title IV-E eligibility standards, he or she may also be eligible for a GAP subsidy if:

- The child has been removed from his or her family’s home pursuant to a voluntary placement agreement or as a result of a judicial determination that allows the child to remain in the home would be contrary to the child’s welfare;
- The child is eligible for federal foster care maintenance payments under Title IV-E for at least six consecutive months while residing in the home of the prospective relative guardian who is licensed or approved as meeting the licensure requirements as a foster family home;<sup>73</sup>
- Returning home or adoption is not an appropriate permanency option for the child;
- The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and
- The child has been consulted regarding the guardianship arrangement (applicable to children age 14 and older).<sup>74</sup>

Further, a “relative” must meet certain conditions to qualify for a GAP subsidy, including that they must:

- Be the eligible child’s relative or close fictive kin;
- Have undergone fingerprint-based criminal record checks and child abuse and neglect registry checks;
- Be a licensed foster parent and approved for guardianship assistance by the DCF;
- Display a strong commitment to caring permanently for the child; and

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parents, and certain private agency staff. Title IV-E foster care funds are awarded to the 50 States, the District of Columbia, Puerto Rico, and federally-recognized Indian Tribes, Indian Tribal organizations and Tribal consortia with approved title IV-E plans, and are available as open-ended entitlement grants through single-year appropriations. The program’s focus, which is articulated in statute, is children eligible under the pre-welfare reform Aid to Families with Dependent Children (AFDC) program and removed from their homes due to maltreatment, lack of care, lack of supervision, or other problems attributed to a relative caregiver. See The U.S. Department of Health and Human Services, *Title-IV-E Foster Care Eligibility Reviews Fact Sheet*, available at <https://www.acf.hhs.gov/cb/fact-sheet/title-iv-e-foster-care-eligibility-reviews-fact-sheet> (last visited January 13, 2022).

<sup>71</sup> Mark F. Testa and Leslie Cohen, *Pursuing Permanence for Children in Foster Care: Issues and Options for Establishing a Federal Guardianship Assistance Program in New York State*, School of Social Work, the University of North Carolina at Chapel Hill. June 2010, available at <https://ocfs.ny.gov/main/reports/Pursuing%20Permanence%20for%20Children%20in%20Foster%20Care%20June%202010.pdf> (last visited January 11, 2022).

<sup>72</sup> Section 39.6225(5)(d), F.S.

<sup>73</sup> The Level I child-specific licensure satisfies this requirement.

<sup>74</sup> 33 42 U.S.C. s. 673(d)(3)(A)

- Have obtained legal guardianship of the child after the guardianship assistance agreement has been negotiated and finalized with the DCF.<sup>75</sup>

### **Child Care Subsidy**

In 2020, the average annual cost of center-based infant care in Florida was approximately \$9,312.<sup>76</sup> Single parents in Florida spend, on average, 34.7 percent of their income on center-based infant child care.<sup>77</sup> Married parents of two children living at the poverty line spend approximately 65 percent of their household income for center-based child care.<sup>78</sup> The average price of center-based infant child care in Florida is currently more than the average annual tuition and fees at a public four-year college or university.<sup>79</sup>

### ***The Rilya Wilson Act***

Rilya Wilson disappeared from state custody in January 2001. The child's caregiver maintained that someone from the DCF removed Rilya from her home sometime in January 2001. The DCF was unaware that the child was missing until April 2002 due to casework failures. While her caregiver was sentenced to 55 years in prison in 2013 for her disappearance, Rilya remains missing.<sup>80</sup>

For a number of children, the increased visibility that participation in early education and childcare programs provides can minimize further abuse, neglect, or abandonment. Participation in these programs can also be an important ingredient in reversing the developmental effects that abuse, neglect, and abandonment can have on children.

Early education and child care programs are provided in Florida through the school readiness program under ss. 1002.86-1002.89, F.S. With the establishment of the school readiness program, the different early education and child care programs and their funding sources were merged for the delivery of a comprehensive program of school readiness services to be designed and administered through local early learning coalitions.<sup>81</sup> The school readiness program is housed with the Office of Early Learning, within the Department of Education.<sup>82</sup>

Historically, children who have been abused, neglected, or abandoned and are being served through the dependency system have received one of the highest priorities for child care service. This is due, at least in part, to the interpretation of earlier statutory language that these children were to be provided the highest priority. Current law requires each early learning coalition to give priority for participation in the school readiness program according to specified criteria with

<sup>75</sup> 42 U.S.C. ss. 671(a)(20(D) and 673(d)(3)(A)

<sup>76</sup> Child Care Aware, *Price of Child Care in Florida*, available at [https://info.childcareaware.org/hubfs/2019%20Price%20of%20Care%20State%20Sheets/Florida.pdf?utm\\_campaign=2019%20Cost%20of%20Care&utm\\_source=2019%20COC%20-%20FL](https://info.childcareaware.org/hubfs/2019%20Price%20of%20Care%20State%20Sheets/Florida.pdf?utm_campaign=2019%20Cost%20of%20Care&utm_source=2019%20COC%20-%20FL) (last visited January 13, 2022).

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> David Ovalle, GERALYN GRAHAM GET 55 YEARS IN RILYA WILSON FOSTER CHILD ABUSE CASE, MIAMI HERALD, Feb. 12, 2013), available at <http://www.miamiherald.com/latest-news/article1947207.html>. (last visited November 1, 2019)

<sup>81</sup> Section 1002.83, F.S.

<sup>82</sup> Florida Division of Early Learning, *About Us*, available at <http://www.floridaeearlylearning.com/> (last visited January 13, 2022).

an at-risk child being second on the priority list.<sup>83</sup> However, even with this prioritization, there are often not enough spaces in school readiness programs for all youth who are the subject of dependency proceedings.

Under the Rilya Wilson Act, children in the foster care system who are enrolled in an early education or child care program must be kept in the program and attend the program at least 5 days per week.<sup>84</sup> The cost of participating in the school readiness program is subsidized in part or fully by the funding of the coalition for eligible children.<sup>85</sup> Criteria have been established for the children who are to receive priority for participating in the program at no cost or at a subsidized rate.<sup>86</sup> The cost of child care shall be assumed by the licensed out-of-home caregiver to the extent that subsidized child care is unavailable.<sup>87</sup>

### **Tuition and Fee Exemptions for Youth in Foster Care**

Youth in foster care face a multitude of barriers when it comes to higher education and as a result the most cited statistic nationally is that about 4 percent graduate from college by the time they reach the age of 26, compared to 36 percent of the general population, according to some studies.<sup>88</sup> Florida was part of the original group of states in the late 1980s that began offering assistance with higher education to students leaving foster care.<sup>89</sup> There are a number of barriers that continue to keep eligible students from accessing existing state support for higher education.

#### ***Florida Law***

Florida first enacted a law providing a fee exemption for youth in foster care in 1988.<sup>90</sup> The initial exemption was provided to young adults in foster care. Before being granted the exemption, students had to apply for and be denied financial aid that covered the payment of all undergraduate fees. The exemption was limited to 8 semesters with the possibility of extending to 10 semesters if the recipient had to take college preparatory classes or needed extra time to pass communication and computation skills testing. Students had to maintain a 2.0 GPA on a 4.0 scale.

In 1997, the tuition and fee exemption was expanded to all cover all children adopted from the DCF custody after December 31, 1997.<sup>91</sup> In 2002, the exemption was expanded again to cover a student who is or was at the time he or she turned 18 years old in the custody of a relative in the

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<sup>83</sup> Section 1002.87, F.S.

<sup>84</sup> Section 39.604, F.S.

<sup>85</sup> Florida Division of Early Learning, *School Readiness Program*, available at <http://www.floridaeearlylearning.com/parents/family-resources/financial-assistance> (last visited January 11, 2022).

<sup>86</sup> Florida Division of Early Learning, *School Readiness Eligibility Priorities*, available at <http://www.floridaeearlylearning.com/school-readiness/coalitions/eligibility-for-school-readiness> (last visited January 11, 2022).

<sup>87</sup> Rule 65C-40.005, F.A.C.

<sup>88</sup> Youth Today, *As More Schools Aid Foster Students, Data on Results Needed, Researchers Say*, available at <https://youthtoday.org/2019/03/as-more-colleges-states-aid-youth-in-foster-care-data-on-results-is-needed-researchers-say/> (Last visited January 10, 2022).

<sup>89</sup> Section 240.235(6)(a), F.S. (1988).

<sup>90</sup> *Id.*

<sup>91</sup> Section 240.235(5)(a), F.S. (1997). In 1998 and 1999, the December 31, 1997 dates were changed to May 5, 1997.

Relative Caregiver Program.<sup>92</sup> In 2006, another expansion was granted to any student who after spending at least 6 months in the custody of the DCF after reaching 16 years of age, was placed in a guardianship by the court.<sup>93</sup> In 2010, the Legislature, recognizing the difficulties that former foster youth have in completing higher education upon emancipation, expanded the exemption to cover students until age 28 and removed the GPA requirement and the limitation as to the number of credit hours or semesters for which it is available.<sup>94</sup>

### **III. Effect of Proposed Changes:**

#### **Caregiver Room and Board Payment Rates**

The bill amends s. 409.145(3), F.S., to reflect the updated board rate amounts that became effective on January 1, 2022 after applying the most recent CPI-U adjustment.

Further, the bill makes a number of changes to current law relating to monthly payment amounts for relative and nonrelative caregivers. The new rate structure includes increases in the amount of payments to relative and nonrelative caregivers to achieve parity with rates currently paid to Level II through Level V foster parents, while taking into account both non-licensure and levels of licensure and the circumstances of placements.

Specifically, the bill amends s. 39.5085, F.S., to increase the monthly payment amounts for relative and nonrelative caregivers who have children placed with them in out-of-home care to match the rates for Level II through Level V family foster home placements for the following:

- For no more than 6 months after the date of both the placement of the child and the adjudication of dependency, regardless of whether the caregiver has obtained licensure as a child-specific Level I foster placement.<sup>95</sup>
- From the date the caregiver has obtained licensure as a child-specific Level I foster placement, regardless of whether a court has found that the child is dependent, until the child reaches permanency.

Additionally, the bill modifies the monthly payment amount for relatives and nonrelatives in other ways. First, the bill provides that relatives or nonrelatives who fail to obtain licensure as a child-specific Level I foster placement within 6 months after the date the child is found to be dependent or, after the child has been found to be dependent, is placed in out-of-home care in their home, the caregiver must receive a monthly payment as determined by rule that is less than the \$333 monthly payment provided to a participant enrolled in GAP. This payment is required to continue until the child reaches permanency as determined by the court under s. 39.621, F.S., unless the relative or nonrelative caregiver obtains licensure as a child-specific Level I foster placement and becomes eligible to receive payments at the higher board rate allowable under s. 409.145(3), F.S. This monthly difference between non-licensed and licensed child-specific Level I placements will create a payment structure that motivates caregivers to get licensed.

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<sup>92</sup> Chapter 2002-38, L.O.F.

<sup>93</sup> Chapter 2006-194, L.O.F.

<sup>94</sup> Chapter 2010-68, L.O.F.

<sup>96</sup> The bill provides that the entity imposing the tuition and fees must verify the eligibility.

The bill maintains current law for relatives or nonrelatives of children who reach permanency in a permanent guardianship but whose relative caregivers are not enrolled in GAP by providing that such caregivers must receive a monthly payment in an amount determined by rule. The maximum amount of the monthly payment that may be established by rule has been adjusted from 82 percent of the statewide average foster care rate to a rate that must be less than the \$333 monthly payment provided to a participant enrolled in the GAP.

The bill does not specify a lower limit on a monthly payment amount that is determined by the DCF rule rather than statute, but does specify a cap as noted above. Relatives and nonrelatives may also be eligible for a special benefit payment that is to be established by rule.

The bill also amends s. 409.145, F.S., applying the current Level II to Level V room and board rate structure to relative and nonrelative caregivers who are licensed as a Level I child-specific foster placement, and to relative and nonrelative caregivers who are participating in the Relative Caregiver Program and receiving payments pursuant to s. 39.5085(2)(d)1. or 2., F.S., as described above. Further, the bill applies the annual cost of living increase and the supplemental payment for teaching life skills and providing normalcy supports to children who are 13-17 years of age to the same caregivers mentioned above.

### **Early Learning or Child Care Subsidy**

In addition to the monthly board rate payments discussed above, the bill amends s. 409.145, F.S., to provide a \$200 per month subsidy to any foster parents and relative and nonrelative caregivers who have a child placed in their home between the ages of birth to school entry. This subsidy is provided for each child in the home that meets the age requirement regardless of whether the caregiver is licensed or not, but the child must be placed in out-of-home care with the caregiver and be the subject of an open dependency proceeding.

As discussed above, children in the foster care system who are enrolled in an early education or child care program must be kept in that program and attend the program at least five days per week. The cost of participating in the school readiness program is subsidized in part or fully by the funding of the coalition for eligible children, but that funding can only be utilized if there is a spot open in a school readiness program. Even if the child can be enrolled in a program that qualifies for the school readiness subsidy from the ELC, often that subsidy does not cover the cost of the program and the caregiver is responsible for paying the difference. The subsidy in the bill is therefore intended to help defray the cost of an early learning or child care program.

### **Postsecondary Tuition and Fee Exemption**

As the tuition and fee exemption for students who are or were in out-of-home care under varying circumstances changed and expanded, instances were discovered that appeared to create inequities between similarly situated students and brought to light the issue of reunited students.

The bill addresses some of those issues by expanding the scope of potential students eligible for a tuition and fee exemption at a workforce education program, a Florida College System institution or a state university, to include a student who was the subject of a dependency proceeding and who:

- Are, or were at the time of reaching 18 years of age, in out-of-home care, rather than in the custody of the DCF as is provided for in current law;
- After reaching 14 years of age, spent at least 18 months in out-of-home care and were then reunited with his or her parents who were the subject of the dependency proceeding before reaching 18 years of age, including a student who was reunited under s. 39.8155, F.S. (reinstatement of parental rights). A student is only eligible for this tuition waiver if, in addition to the above-described factors, the student is also Pell Grant-eligible;<sup>96</sup> or
- Were placed in a permanent guardianship, regardless of whether the caregiver participates or participated in the Relative Caregiver Program under s. 39.5085, F.S., and remains in such guardianship until either the student reaches 18 years of age or, if before reaching 18 years of age, enrolls in an eligible institution.

The bill is effective July 1, 2022.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

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<sup>96</sup> The bill provides that the entity imposing the tuition and fees must verify the eligibility.



**C. Government Sector Impact:**

The DCF estimates that PCS/SB 7034 will result in additional costs to state government totaling \$44,035,644. Specifically, additional funding is needed to provide for the following:

- \$18,215,844 in recurring funding to provide for increases in monthly payments for relative and nonrelative caregivers to achieve parity with rates currently paid to foster parents, including supplemental board rates when applicable. The increases would apply to caregivers enrolled in the Relative Caregiver Program or are classified as a Level I Child Specific Foster Home who are responsible for a child who has not reached permanent guardianship or adoption. The cost is \$12,956,082 from the General Revenue Fund; \$4,554,738 from the Federal Grants Trust Fund; and \$705,024 from the Welfare Transition Trust Fund
- \$24,880,800 in recurring funding to provide a supplemental child care subsidy of \$200 per month for relative and nonrelative caregivers and foster parents. The cost is \$19,206,037 from the General Revenue Fund and \$5,674,763 from the Federal Grants Trust Fund; and
- \$939,000 of nonrecurring funding to make necessary changes to the FSFN and the ACCESS information technology systems to support data currently not in these systems. The DCF estimates these costs to be \$469,500 from the General Revenue Fund and \$469,500 from the Federal Grants Trust Fund.<sup>97</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends the following sections of the Florida Statutes: 39.5085, 409.145, and 1009.25.

The bill reenacts the following sections of the Florida Statutes: 393.065 and 409.1451.

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<sup>97</sup> The Department of Children and Families, SB 7034 Bill Analysis, p. 9, (January 29, 2022) (on file with the Senate Appropriations Subcommittee on Health and Human Services).

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**PCS (878354) by Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services):**

The proposed committee substitute:

- Aligns the Level II through V foster home room and board rates to the official board rates released by DCF for calendar year 2022; and
- Makes other technical and clarifying changes.

- B. **Amendments:**

None.



592114

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/21/2022	.	
	.	
	.	
	.	

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The Committee on Appropriations (Garcia) recommended the following:

**Senate Amendment**

Delete lines 189 - 190

and insert:

(c) A student who was the subject of any proceeding under ch. 39 and:



540450

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2022	.	
	.	
	.	
	.	

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The Committee on Appropriations (Garcia) recommended the following:

**Senate Amendment**

Delete lines 189 - 190  
and insert:

(c) A student who was the subject of a shelter proceeding,  
a dependency proceeding, or a termination of parental rights  
proceeding, and:



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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to child welfare; amending s. 39.5085, F.S.; revising payment rates for relative and nonrelative caregivers under the Relative Caregiver Program; amending s. 409.145, F.S.; revising and specifying room and board rates paid by the Department of Children and Families; providing applicability of annual cost of living increase and supplemental room and board payment provisions to certain caregivers; providing for an additional monthly payment for certain caregivers; amending s. 1009.25, F.S.; revising fee waiver eligibility for students who are or were placed in the custody of a relative or nonrelative to include certain students; creating a tuition and fee exemption for students who enter the custody of the department after a specified age and who are reunited with their parent or parents before reaching a specified age and after spending at least 18 months in out-of-home care; requiring the student to meet certain federal financial aid eligibility requirements; requiring the entity imposing the tuition and fees to verify such eligibility; creating a tuition and fee waiver for students who were the subject of a dependency hearing, were placed in a permanent guardianship, and remain in such guardianship until the student reaches 18 years of age or, if before reaching 18 years of age, he or she



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enrolls in an eligible institution; reenacting s. 393.065(5)(b), F.S., relating to certain waiver services, to incorporate the amendments made to s. 409.145, F.S., in a reference thereto; reenacting s. 409.1451(2)(b), F.S., relating to the Road-to-Independence Program, to incorporate the amendments made to s. 409.145, F.S., in references thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present paragraphs (e) through (h) of subsection (2) of section 39.5085, Florida Statutes, are redesignated as paragraphs (f) through (i), respectively, a new paragraph (e) is added to that subsection, and paragraph (d) of that subsection is amended, to read:

39.5085 Relative Caregiver Program.—

(2)

(d) 1. Relatives or nonrelatives who have a child placed with them in out-of-home care and who have obtained licensure as a child-specific level I foster placement, regardless of whether a court has found the child to be dependent, shall receive a monthly payment in accordance with s. 409.145(3) from the date the child is placed in out-of-home care with his or her relatives or with nonrelatives until the child achieves permanency as determined by the court pursuant to s. 39.621.

2. Relatives or nonrelatives who have a child who has been found to be dependent placed with them in out-of-home care shall receive a monthly payment at a rate equal to the rate



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57 established in s. 409.145(3) for licensed foster parents,  
58 regardless of whether the relatives or nonrelatives have  
59 obtained a child-specific level I foster license, from the date  
60 the child is found to be dependent or from the date the child is  
61 placed with them in out-of-home care, whichever is later, for a  
62 period of no more than 6 months or until the child achieves  
63 permanency as determined by the court pursuant to s. 39.621,  
64 whichever occurs first.

65 3. Relatives or nonrelatives who have a child who has been  
66 found to be dependent placed with them in out-of-home care and  
67 who have not obtained a child-specific level I foster license  
68 within 6 months from the date of such placement shall receive a  
69 monthly payment in an amount determined by department rule from  
70 6 months after the date the child is found to be dependent or  
71 from 6 months after the child is placed with them in out-of-home  
72 care, whichever is later, until the relatives or nonrelatives  
73 obtain a child-specific level I foster license or until the  
74 child achieves permanency as determined by the court pursuant to  
75 s. 39.621, whichever occurs first. The monthly payment amount  
76 paid to relatives or nonrelatives pursuant to this subparagraph  
77 must be less than the monthly payment amount provided to a  
78 participant enrolled in the Guardianship Assistance Program  
79 pursuant to s. 39.6225.

80 4. Relatives or nonrelatives who have a child placed in  
81 their care by permanent guardianship pursuant to s. 39.6221, in  
82 a permanent placement with a fit and willing relative pursuant  
83 to s. 39.6231, or under former s. 39.622 if the placement was  
84 made before July 1, 2006, and who are not enrolled in the  
85 Guardianship Assistance Program pursuant to s. 39.6225 shall



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86 receive a monthly payment in an amount determined by department  
87 rule which must be less than the monthly payment amount provided  
88 to a participant enrolled in the Guardianship Assistance Program  
89 under s. 39.6225. ~~Relatives or nonrelatives who are caring for~~  
90 ~~children placed with them by the court pursuant to this chapter~~  
91 ~~shall receive a special monthly caregiver benefit established by~~  
92 ~~rule of the department.~~

93 (e) Relatives or nonrelatives obtaining monthly payments  
94 under this section may also obtain a special benefit payment.  
95 The amount of the special benefit payment shall be based on the  
96 child's age within a payment schedule established by rule of the  
97 department and subject to availability of funding. ~~The statewide~~  
98 ~~average monthly rate for children judicially placed with~~  
99 ~~relatives or nonrelatives who are not licensed as foster homes~~  
100 ~~may not exceed 82 percent of the statewide average foster care~~  
101 ~~rate, and the cost of providing the assistance described in this~~  
102 ~~section to any caregiver may not exceed the cost of providing~~  
103 ~~out-of-home care in emergency shelter or foster care.~~

104 Section 2. Present subsection (4) of section 409.145,  
105 Florida Statutes, is redesignated as subsection (5), a new  
106 subsection (4) is added to that section, and subsection (3) of  
107 that section is amended, to read:

108 409.145 Care of children; "reasonable and prudent parent"  
109 standard.—The child welfare system of the department shall  
110 operate as a coordinated community-based system of care which  
111 empowers all caregivers for children in foster care to provide  
112 quality parenting, including approving or disapproving a child's  
113 participation in activities based on the caregiver's assessment  
114 using the "reasonable and prudent parent" standard.



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(3) ~~FOSTER CARE ROOM AND BOARD RATES.-~~

(a) Effective July 1, ~~2022~~ ~~2018~~, room and board rates shall be paid to foster parents, including relative and nonrelative caregivers who are licensed as a level I child-specific foster placement, and to relative and nonrelative caregivers who are participating in the Relative Caregiver Program and receiving payments pursuant to s. 39.5085(2)(d)1. or 2., as follows:

Monthly Room and Board ~~Foster Care~~ Rate

0-5 Years Age	6-12 Years Age	13-21 Years Age
<u>\$517.94</u> <del>\$457.95</del>	<u>\$531.21</u> <del>\$469.68</del>	<u>\$621.77</u> <del>\$549.74</del>

(b) Each January, foster parents, including relative and nonrelative caregivers who are licensed as a level I child-specific foster placement and relative and nonrelative caregivers who are participating in the Relative Caregiver Program and receiving payments pursuant to s. 39.5085(2)(d)1. or 2., shall receive an annual cost of living increase. The department shall calculate the new room and board rate increase equal to the percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, not seasonally adjusted, or successor reports, for the preceding December compared to the prior December as initially reported by



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the United States Department of Labor, Bureau of Labor Statistics. The department shall make available the adjusted room and board rates annually.

(c) ~~Effective July 1, 2019, foster parents of level I family foster homes as defined in s. 409.175(5)(a) shall receive a room and board rate of \$333.~~

~~(d) Effective July 1, 2019, the foster care room and board rate for level II family foster homes as defined in s. 409.175(5)(a) shall be the same as the new rate established for family foster homes as of January 1, 2019.~~

~~(e) Effective January 1, 2020, paragraph (b) shall only apply to level II through level V family foster homes, as defined in s. 409.175(5)(a).~~

~~(f) The amount of the monthly foster care room and board rate may be increased upon agreement among the department, the community-based care lead agency, and the foster parent.~~

~~(d)(g) Effective July 1, 2022 From July 1, 2018, through June 30, 2019, community-based care lead agencies providing care under contract with the department shall pay a supplemental room and board payment to foster care parents, including relative and nonrelative caregivers who are licensed as a level I child-specific foster placement and relative and nonrelative caregivers who are participating in the Relative Caregiver Program and receiving payments pursuant to s. 39.5085(2)(d)1. or 2. of all family foster homes, on a per-child basis, for providing independent life skills and normalcy supports to children who are 13 through 17 years of age placed in their care. The supplemental payment must shall be paid monthly to the foster care parents in addition to the current monthly room and~~



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board rate payment. The supplemental monthly payment shall be based on 10 percent of the monthly room and board rate for children 13 through 21 years of age as provided under this section and adjusted annually. ~~Effective July 1, 2019, such supplemental payments shall only be paid to foster parents of level II through level V family foster homes.~~

(4) CHILD CARE SUBSIDY.—Any foster parents and relative or nonrelative caregivers, regardless of whether the relative or nonrelative caregivers are licensed as a level I child-specific foster placement or participate in the Relative Caregiver Program, who have a child placed in out-of-home care in the home between the age of birth to school entry shall receive a payment of \$200 per month per child to pay toward the cost of an early learning or child care program.

Section 3. Paragraphs (c) and (d) of subsection (1) of section 1009.25, Florida Statutes, are amended to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(c) A student who was the subject of a dependency proceeding and:

1. Is, or was at the time he or she reached 18 years of age, in out-of-home care. the custody of the Department of Children and Families or who,

2. Is, or was at the time he or she reached 18 years of age, in the custody of a relative or nonrelative pursuant to s. 39.5085 or s. 39.6225.



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3. After spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court.

4. After reaching 14 years of age and thereafter spending at least 18 months in out-of-home care, was reunited with his or her parent or parents who were the subject of the dependency proceeding before he or she reaches 18 years of age, including a student who is reunited under s. 39.8155. For a student to be eligible under this subparagraph, the student must be Pell Grant-eligible, and the entity imposing the tuition and fees must verify such eligibility.

5. Was adopted from the department after May 5, 1997.

6. Was placed in a permanent guardianship, regardless of whether the caregiver participates or participated in the Relative Caregiver Program under s. 39.5085, and remains in such guardianship until the student either reaches 18 years of age or, if before reaching 18 years of age, he or she enrolls in an eligible institution.

Such exemption includes fees associated with enrollment in applied academics for adult education instruction. The exemption remains valid until the student reaches 28 years of age.

~~(d) A student who is, or was at the time he or she reached 18 years of age, in the custody of a relative or nonrelative under s. 39.5085 or s. 39.6225 or who was adopted from the Department of Children and Families after May 5, 1997. Such exemption includes fees associated with enrollment in applied academics for adult education instruction. The exemption remains valid until the student reaches 28 years of age.~~





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Section 4. For the purpose of incorporating the amendments made by this act to section 409.145, Florida Statutes, in a reference thereto, paragraph (b) of subsection (5) of section 393.065, Florida Statutes, is reenacted to read:

393.065 Application and eligibility determination.—

(5) The agency shall assign and provide priority to clients waiting for waiver services in the following order:

(b) Category 2, which includes individuals on the waiting list who are:

1. From the child welfare system with an open case in the Department of Children and Families' statewide automated child welfare information system and who are either:

a. Transitioning out of the child welfare system at the finalization of an adoption, a reunification with family members, a permanent placement with a relative, or a guardianship with a nonrelative; or

b. At least 18 years but not yet 22 years of age and who need both waiver services and extended foster care services; or

2. At least 18 years but not yet 22 years of age and who withdrew consent pursuant to s. 39.6251(5)(c) to remain in the extended foster care system.

For individuals who are at least 18 years but not yet 22 years of age and who are eligible under sub-subparagraph 1.b., the agency shall provide waiver services, including residential habilitation, and the community-based care lead agency shall fund room and board at the rate established in s. 409.145(3) and provide case management and related services as defined in s. 409.986(3)(e). Individuals may receive both waiver services and



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services under s. 39.6251. Services may not duplicate services available through the Medicaid state plan.

Within categories 3, 4, 5, 6, and 7, the agency shall maintain a waiting list of clients placed in the order of the date that the client is determined eligible for waiver services.

Section 5. For the purpose of incorporating the amendments made by this act to section 409.145, Florida Statutes, in references thereto, paragraph (b) of subsection (2) of section 409.1451, Florida Statutes, is reenacted to read:

409.1451 The Road-to-Independence Program.—

(2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

(b) The amount of the financial assistance shall be as follows:

1. For a young adult who does not remain in foster care and is attending a postsecondary school as provided in s. 1009.533, the amount is \$1,256 monthly.

2. For a young adult who remains in foster care, is attending a postsecondary school, as provided in s. 1009.533, and continues to reside in a licensed foster home, the amount is the established room and board rate for foster parents. This takes the place of the payment provided for in s. 409.145(3).

3. For a young adult who remains in foster care, but temporarily resides away from a licensed foster home for purposes of attending a postsecondary school as provided in s. 1009.533, the amount is \$1,256 monthly. This takes the place of the payment provided for in s. 409.145(3).

4. For a young adult who remains in foster care, is attending a postsecondary school as provided in s. 1009.533, and



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284 continues to reside in a licensed group home, the amount is  
285 negotiated between the community-based care lead agency and the  
286 licensed group home provider.

287 5. For a young adult who remains in foster care, but  
288 temporarily resides away from a licensed group home for purposes  
289 of attending a postsecondary school as provided in s. 1009.533,  
290 the amount is \$1,256 monthly. This takes the place of a  
291 negotiated room and board rate.

292 6. A young adult is eligible to receive financial  
293 assistance during the months when he or she is enrolled in a  
294 postsecondary educational institution.

295 Section 6. This act shall take effect July 1, 2022.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/SB 7034

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); and Children, Families, and Elder Affairs Committee

SUBJECT: Child Welfare

DATE: February 21, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Preston	Cox		<b>CF Submitted as Comm. Bill/Fav</b>
1.	Sneed	Money	AHS	<b>Recommend: Fav/CS</b>
2.	Sneed	Sadberry	AP	<b>Fav/CS</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 7034 makes a number of changes to current law relating to monthly payment amounts for foster parents and relative and nonrelative caregivers and other assistance aimed at benefiting the lives of foster youth.

The bill increases the amount of monthly payments to relative and nonrelative caregivers to achieve parity with rates currently paid to traditional foster parents. Specifically, the bill amends section 39.5085, Florida Statutes, increasing the monthly payment amounts for relative and nonrelative caregivers who have children placed with them in out-of-home care to match the rates for Level II through Level V family foster home placements for the following:

- For no more than 6 months after the date of both the placement of the child and the adjudication of dependency, regardless of whether the caregiver has obtained licensure as a child-specific Level I foster placement.
- From the date the caregiver has obtained licensure as a child-specific Level I foster placement, regardless of whether a court has found that the child is dependent, until the child reaches permanency.

Additionally, the bill provides that relatives or nonrelatives who do not obtain licensure as a child-specific Level I foster placement within a specified amount of time from the date the child is adjudicated dependent and is placed in out-of-home care, must receive a monthly payment less than the \$333 monthly payment provided to a participant enrolled in the Guardianship Assistance

Program (GAP). The amount will be determined by rule and will be applicable for the duration of the open case unless the relative or nonrelative caregiver obtains licensure as a child-specific Level I foster placement.

The continued eligibility to receive a higher monthly rate for licensed child-specific Level I placements will create a payment structure that motivates caregivers to get licensed while also assisting these caregivers with providing for the needs of the children placed in their care.

The bill maintains current law for relatives or nonrelatives of children who reach permanency in a permanent guardianship, but whose relative caregivers are not enrolled in GAP, by providing that such caregivers must receive a monthly payment in an amount determined by rule, which must be less than the \$333 monthly payment provided to a participant enrolled in the GAP.

The bill also amends section 409.145, Florida Statutes, to apply the annual cost of living increase and the supplemental payment for teaching life skills and providing normalcy supports to children who are 13-17 years of age to the same caregivers mentioned above.

The bill also provides a \$200 per month subsidy to any foster parents and relative and nonrelative caregivers who have a child placed in their home between the ages of birth to school entry. This subsidy is provided for each child in the home that meets the age requirement regardless of whether the caregiver is licensed or not, but the child must be placed in out-of-home care with the caregiver and be the subject of an open dependency proceeding.

Lastly, the bill expands the scope of potential students eligible for a tuition and fee exemption at a workforce education program, a Florida College System institution or a state university, to certain students who have been the subject of a shelter, dependency, or termination of parental rights proceeding, including students who:

- Are, or were at the time of reaching 18 years of age, in out-of-home care, rather than in the custody of the DCF as is provided for in current law.
- After reaching 14 years of age, spent at least 18 months in out-of-home care and was reunified with his or her parents who were the subject of the dependency proceeding before reaching 18 years of age if the student is also Pell Grant-eligible.
- Have been placed in a permanent guardianship, regardless of whether the caregiver participates or participated in the Relative Caregiver Program, and such student remains in the guardianship either until the student reaches 18 years of age or, if before reaching 18 years of age, he or she enrolls in an eligible institution.

The bill is expected to have a significant recurring fiscal impact on state government expenditures. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2022.

## II. Present Situation:

### Florida's Child Welfare System - Overview

Current law requires any person who knows or suspects that a child has been abused, abandoned, or neglected to report such knowledge or suspicion to the Florida central abuse hotline (hotline).<sup>1</sup> A child protective investigation begins if the hotline determines the allegations meet the statutory definition of abuse,<sup>2</sup> abandonment,<sup>3</sup> or neglect.<sup>4</sup> A child protective investigator either investigates the situation immediately or within 24 hours after the report is received, depending on the nature of the allegation.<sup>5</sup>

After conducting an investigation, if the child protective investigator determines that the child is in need of protection and supervision that necessitates removal, the investigator may initiate formal proceedings to remove the child from his or her home. When the DCF removes a child from the home, a series of dependency court proceedings must occur before a child may be adjudicated dependent.<sup>6</sup>

Subsequent to a child being found dependent, a court must hold a disposition hearing to determine a course of treatment and services and placement of the child under protective supervision.<sup>7</sup> The court must first consider placing the child with relatives.<sup>8</sup> If a child cannot safely remain in the original home and no adult relative is available for temporary, legal custody, the child may be placed with an adult willing to care for the child under the protective supervision of the DCF.<sup>9</sup> Placing the child in the temporary, legal custody of the DCF invests the DCF with the rights and responsibilities of a legal custodian.<sup>10</sup>

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<sup>1</sup> Section 39.201(1), F.S.

<sup>2</sup> Section 39.01(2), F.S. The term "abuse" means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

<sup>3</sup> Section 39.01(1), F.S. The term "abandoned" or "abandonment" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

<sup>4</sup> Sections 39.01(50) and 39.201(2)(a), F.S. "Neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering necessary services.

<sup>5</sup> Section 39.101(2), F.S.

<sup>6</sup> See s. 39.01(14), F.S., for the definition of "child who is found to be dependent".

<sup>7</sup> Section 39.521(1), F.S.

<sup>8</sup> Section 39.507(7)(c), F.S.

<sup>9</sup> Section 39.521(3)(c), F.S.

<sup>10</sup> Section 39.521(3)(d), F.S.

The DCF must develop and refine a case plan<sup>11</sup> for each child receiving services throughout the dependency process with input from all parties to the child's dependency case. The case plan details are required to be tailored to address the abuse, abandonment, or neglect that gave rise to the abuse report, consider any other issues which would support family preservation if appropriate, and identify services to address the child's needs, as those needs are identified during the child protective investigation and throughout the case.<sup>12</sup>

The goal is for the dependency court and all parties involved in the child's case to ensure the child remains safe.<sup>13</sup>

When children are placed in out-of-home care, child welfare agencies must find safe, permanent homes for them as quickly as possible. In most cases, children are reunified with their families. When reunification is not possible, the DCF seeks to place children in permanent homes with relatives or adoptive families. Florida law requires a permanency hearing no later than 12 months after the child was removed from the home or within 30 days after a court determines that reasonable efforts to return the child to either parent are not required, whichever occurs first.<sup>14</sup> The purpose of the permanency hearing is for the court to determine when the child will achieve permanency or whether modifying the permanency goal is in the child's best interest.<sup>15</sup> A permanency hearing must be held at least every 12 months for any child who continues to be supervised by the DCF or awaits adoption.<sup>16</sup>

The permanency goals under Florida law, listed in order of preference are:

- Reunification;
- Adoption, if a petition for termination of parental rights has been or will be filed;
- Permanent guardianship under s. 39.6221, F.S.;
- Permanent placement with a fit and willing relative under 39.6231, F.S.; or
- Placement in another planned permanent living arrangement under s. 39.6241, F.S.<sup>17</sup>

### **Out-of-Home Placement Options**

As mentioned above, the child welfare system identifies families whose children are in danger of suffering or have suffered abuse, abandonment, or neglect and works with those families to address the problems that are endangering children. If the problems cannot be ameliorated, the child welfare system finds other caregivers for children, such as foster families, relative and

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<sup>11</sup> Section 39.01(11), F.S., defines "case plan" to mean a document, as described in s. 39.6011, F.S., related to case plan development, prepared by the DCF with input from all parties. The case plan follows the child from the provision of voluntary services through any dependency, foster care, or termination of parental rights proceeding or related activity or process.

<sup>12</sup> Sections 39.6011 and 39.6012, F.S. Case plans must be developed in a face-to-face conference with the child's parent, any court-appointed Guardian ad Litem, and the child's temporary custodian and, if appropriate, the child.

<sup>13</sup> Section 39.001(1)(a), F.S.

<sup>14</sup> S. 39.621(1), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Section 39.621(3), F.S.

nonrelative caregivers, or adoptive families.<sup>18</sup> These various types of placements as well as the specific licensure requirements are discussed below in more detail.

### ***Relative and Nonrelative Caregivers***

When children cannot remain safely with their parents, placement with relatives is preferred over placement in foster care with nonrelatives. Caseworkers try to identify and locate a relative or relatives who can safely care for the children while parents receive services to help them address the issues that brought the children to the attention of child welfare.<sup>19</sup> Placement with relatives, or kinship care, provides permanency for children and helps them maintain family connections. Kinship care is the raising of children by grandparents, other extended family members, and nonrelative adults with whom they have a close, family-like relationship, such as godparents and close family friends.<sup>20</sup>

In Florida, there were 22,078 children in out-of-home care as of December 31, 2021, and fewer than half of those children were placed with approved relatives and nonrelatives and the rest were placed in licensed foster care, group care, or in another placement.<sup>21</sup>

### ***Relative Caregiver Program (RCP)***

The RCP was established in 1998<sup>22</sup> for the purpose of recognizing the importance of family relationships and providing additional placement options and incentives to help achieve permanency and stability for many children who are otherwise at risk of foster care placement. The program has been expanded<sup>23</sup> since its inception and currently the program applies to:

- Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under ch. 39, F.S.;
- Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child, and a dependent half-brother or half-sister of that dependent child, in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative;

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<sup>18</sup> See s. 39.001(1), F.S.

<sup>19</sup> See s. 39.4015(3), F.S. The DCF is required to collaborate with sheriffs' offices that conduct child protective investigations and community-based care lead agencies to develop a family finding program. Family-finding efforts by the DCF and the community-based care lead agencies may include, but are not limited to: 1. searching for and locating adult relatives and fictive kin; 2. identifying and building positive connections between the child and the child's relatives and fictive kin; 3. supporting the engagement of relatives and fictive kin in social service planning and delivery of services and creating a network of extended family support to assist in remedying the concerns that led to the child becoming involved with the child welfare system, when appropriate; 4. maintaining family connections, when possible; and 5. keeping siblings together in care when possible and when in the best interest of each child.

<sup>20</sup> The American Bar Association, *Kinship Care is Better for Children and Families*, available at [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-36/july-aug-2017/kinship-care-is-better-for-children-and-families/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-36/july-aug-2017/kinship-care-is-better-for-children-and-families/) (last visited January 11, 2022).

<sup>21</sup> 8,084 of these children were placed with approved relatives and nonrelatives and 10,490 with another placement. See the DCF, *Children in Out-of-Home Care – Statewide* (December 31, 2021), available at <https://www.myflfamilies.com/service-programs/child-welfare/dashboard/> (last visited January 12, 2022).

<sup>22</sup> Chapter 1998-78, L.O.F.

<sup>23</sup> Chapter 2014-224, L.O.F.

- A relative or nonrelative caregiver, but the relative or nonrelative caregiver may not receive a Relative Caregiver Program payment if the parent or stepparent of the child resides in the home; and
- Nonrelatives who have a close relationship with the child but who are not a blood relative or a relative by marriage.<sup>24</sup>

The RCP provides that relatives and nonrelatives who have a child or children placed in out-of-home in their care and who have found to be dependent are eligible for financial assistance. The court must find that a proposed placement is in the best interest of the child, but relatives or nonrelatives who qualify for and participate in the RCP are not required to meet foster care licensing requirements under s. 409.175, F.S., in order for the child to be placed in the home or for the caregiver to receive financial assistance to care for the child.<sup>25</sup> The amount of the monthly payment is determined by rule and discussed below.

Additionally, within available funding, the RCP is also required to provide caregivers with family support and preservation services, school readiness assistance, and other available services in order to support the child's safety, growth, and healthy development. Children living with caregivers who are receiving assistance under the program are also eligible for Medicaid coverage.<sup>26</sup>

### ***Licensed Foster Care***

Foster home placements are intended to provide a temporary, safe place to live until a child can be reunited with his or her family, an adoptive family is identified, or other permanency is achieved. Section 409.175(2)(e), F.S., defines a "family foster home" as a private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes and specialized foster homes for children with special needs. A family foster home does not include an adoptive home which has been approved by the DCF or by a licensed child-placing agency for children placed for adoption.<sup>27</sup>

The recruitment, training, and licensing of foster parents is conducted by 18 community-based care agencies that maintain contracts with the DCF.<sup>28</sup> The total number of children placed in a family foster home must be based on the needs of each child in care; the ability of the foster family to meet the individual needs of each child, including any adoptive or biological children or young adults remaining in foster care living in the home; the amount of safe physical plant space; the ratio of active and appropriate adult supervision; and the background, experience, and

<sup>24</sup> See s. 39.5085(2)(a), F.S.

<sup>25</sup> Section 39.5085(2)(a)3., F.S.

<sup>26</sup> Section 39.5085, F.S.

<sup>27</sup> Section 409.175(2)(e), F.S.

<sup>28</sup> The DCF, *Lead Agency Map*, available at <https://www.myflfamilies.com/service-programs/community-based-care/lead-agency-map.shtml> (last visited January 12, 2022). The DCF terminated the contract with Eckerd Connects for Circuit 6 and Family Support Services of North Florida took over on January 1, 2022. Eckerd Connects will carry out its contract until it expires June 30, 2022. WFLA, *DCF, Eckerd Connects ending child welfare services contracts in 3 Tampa Bay counties*, available at <https://www.wfla.com/news/local-news/dcf-eckerd-connects-end-child-welfare-services-in-3-tampa-bay-counties/>; WUSF Public Media, *Family Support Services of North Florida will fully take over on January 1, 2022*, Nov. 30, 2021, available at [State selects replacement for Eckerd Connects to run foster care in Pinellas, Pasco](https://www.wusf.com/news/family-support-services-of-north-florida-will-fully-take-over-on-january-1-2022/) | WUSF Public Media (all sites last visited Jan. 7, 2022).



skill of the family foster parents.<sup>29</sup> Foster parents are responsible for the care and well-being of the child, including maintaining their health, safety, and best interests and encouraging emotional and developmental growth. Following placement, a foster child should be closely monitored by a case worker, who provides support and additional training related to special needs.<sup>30</sup>

In 2019, Florida moved to a system of foster home licensing that consisted of five distinct levels:

- Level I: Child-Specific Foster Home.
- Level II: Non-Child Specific Foster Home.<sup>31</sup>
- Level III: Safe Foster Home for Victims of Human Trafficking.
- Level IV: Therapeutic Foster Home.
- Level V: Medical Foster Home.<sup>32</sup>

#### Level I: Child-Specific Foster Home

A child specific licensed foster home is a new licensure type designed for relatives and nonrelatives who have an existing relationship with the child for whom they are seeking licensure. When a child is not able to safely remain at home with their parents, a family or like-family member who is willing and able to provide care for the child is the next best alternative.<sup>33</sup>

#### Level II: Non-Child Specific Foster Home

A non-child specific licensed foster home is identified when placement with a relative or nonrelative caregiver is not possible. This licensure type is available to individuals in the community who may be interested in fostering.<sup>34</sup>

#### Level III: Safe Foster Home for Victims of Human Trafficking

This level of licensure is for individuals interested in providing a safe and stable environment for victims of human trafficking.<sup>35</sup> Florida law defines “human trafficking” as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining,<sup>36</sup> purchasing, patronizing, procuring, or obtaining<sup>37</sup> another person for the purpose of exploitation of that person.<sup>38</sup> In Florida, any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving

<sup>29</sup> Section 409.175(3)(a) and (b), F.S., provides that the DCF may grant a capacity waiver in certain instances.

<sup>30</sup> See s. 409.1415(2), F.S., for specific roles and responsibilities of foster parents.

<sup>31</sup> Previously “Traditional” foster homes are now Level II.

<sup>32</sup> The DCF, *Levels of Foster Care Licensure*, available at <https://www.myflfamilies.com/service-programs/foster-care/levels.shtml>; Florida FAPA, *Become a Foster Parent*, available at [Become A Foster Parent – FloridaFAPA.org](https://www.floridafapa.org/become-a-foster-parent) (all sites last visited January 12, 2022).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> Section 787.06(2)(f), F.S., provides “maintain” means, in relation to labor or services, to secure or make possible continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service. Section 787.06(2)(h), F.S., defines “services” as any act committed at the behest of, under the supervision of, or for the benefit of another, including forced marriage, servitude, or the removal of organs.

<sup>37</sup> Section 787.06(2)(g), F.S., provides “obtain” means, in relation to labor, commercial sexual activity, or services, to receive, take possession of, or take custody of another person or secure performance thereof. Section 787.06(2)(e), F.S., provides “labor” means work of economic or financial value.

<sup>38</sup> Section 787.06(2)(d), F.S.

anything of value from participation in a venture that has subjected a person to human trafficking for labor or services, or commercial sexual activity, commits a crime.<sup>39</sup>

#### Level IV: Therapeutic Foster Home

This level of licensure is for caregivers who have received specialized training to care for a wide variety of children and adolescents who may have significant emotional, behavioral, or social needs. As a therapeutic foster parent, individualized care is provided in the home by the foster parent to ensure a child receives the appropriate level of care in the least restrictive setting.<sup>40</sup>

#### Level V: Medical Foster Home

This licensure type is for caregivers who have received specialized training to provide care for children and adolescents with chronic medical conditions. Medical foster parents enable children from birth through age 20 with medically-complex conditions whose parents are unable to care for them in their own homes, to live and receive care in a foster home rather than in hospitals or other facility settings.<sup>41</sup>

#### ***Foster Placement Licensure***

It is less cumbersome to obtain a Level I foster license than it is to obtain licensure as a Level II through Level V family foster placement. A high level summary of the differences in licensure requirements is included in the table below:<sup>42</sup>

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<sup>39</sup> Section 787.06(3), F.S.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> The DCF, *Power Point Presentation on Overview of Out-of-Home Care Placements and Caregivers*, Committee on Children Families and Elder Affairs, October 18, 2021, p. 5, available at [https://www.flsenate.gov/Committees/Show/CF/MeetingPacket/5296/9500\\_MeetingPacket\\_5296\\_2.pdf](https://www.flsenate.gov/Committees/Show/CF/MeetingPacket/5296/9500_MeetingPacket_5296_2.pdf) (last visited January 12, 2022).

<b>Requirement Category</b>	<b>Level I: Child Specific Foster Home</b>	<b>Level II: Non-Child Specific Foster Home</b>	<b>Level III: Safe Foster Home for Human Trafficking Victims</b>	<b>Level IV: Therapeutic Foster Home</b>	<b>Level V: Medical Foster Home</b>
<b>Assessment</b>	<ul style="list-style-type: none"> <li>• Ability to Protect</li> <li>• Physical Environment</li> <li>• Financial Resources</li> <li>• Ability to care, nurture, and meet the child's physical, emotional and educational needs.<sup>43</sup></li> </ul>	Same as Level I	Same as Level I	Same as Level I	Same as Level I
<b>Screening</b>	<ul style="list-style-type: none"> <li>• State and Federal</li> <li>• Local/Civil Checks</li> <li>• DJJ Sexual/Predator Offender</li> <li>• Abuse/ Neglect Checks<sup>44</sup></li> </ul>	Same as Level I and Conviction/Charge Additional Offenses/Disqualifiers <sup>45</sup>	Same as Level II	Same as Level II	Same as Level II
<b>Training</b>	2 DCF licensing hours (online course)	21 DCF licensing hours	21 DCF licensing hours and 24 Commercial Sexual Exploitation hours	21 DCF licensing hours and 30 AHCA hours	21 DCF licensing hours and 32 AHCA hours

### ***Monthly Compensation for Specified Caregivers***

The monthly payment amounts provided to caregivers under current law depend upon the type of caregiver, whether the caregiver is licensed, and whether the dependency proceedings are open or closed where the child has reached permanency. Below is a description of the payment amounts and a table illustrating payments for each type of caregiver placement.

Current law authorizes reimbursement for children in foster care or in residential group homes to begin at the time the child is placed regardless of if a court has found the child to be dependent, also known as an adjudication of dependency. However, the monthly benefit payment for

<sup>43</sup> Section 409.175, F.S., provides that non-safety requirements may be waived.

<sup>44</sup> See s. 39.0138, F.S., and 65C-45.001, F.A.C.

<sup>45</sup> See s. 39.0138, F.S., ch. 435, F.S., and 65C-45.001, F.A.C.

relative and nonrelative caregivers does not begin until the court has made such a finding, which typically takes two months to a year.<sup>46</sup>

Prior to the child being found to be dependent, a relative caregiver is only eligible for temporary cash assistance if he or she is in close enough consanguinity to the child.<sup>47</sup> During this time, a nonrelative caregiver receives no monthly benefit assistance. Once the child has been found to be dependent, the relative becomes eligible for the full Relative Caregiver Program benefit amount.<sup>48</sup>

### Relative Caregiver Program

Under the RCP, a monthly cash assistance is provided to relatives who meet eligibility rules and have custody of a child under age 18 who has been found to be dependent by a Florida court and placed in their home.<sup>49</sup> The amount of the assistance is based on the statewide average monthly rate for children placed by the court with relatives or nonrelatives who are not licensed as foster homes and may not exceed 82 percent of the statewide average foster care rate. Additionally, the cost of providing the assistance to any caregiver in the program may not exceed the cost of providing out-of-home care in an emergency shelter or in foster care.<sup>50</sup>

### Level I Licensed Foster Placement

The current board rate for a relative or nonrelative caregiver who has been licensed as a Level I child-specific foster placement is \$333 per month. This type of foster placement is not currently eligible for the cost of living increase or the supplemental board rate provided to Level II through Level V foster family placements pursuant to s. 409.145(3)(b) and (c), F.S.

Effective January 1, 2022, the room and board rates paid to these foster parents are:<sup>51 52</sup>

- \$517.94 monthly for children 0-5 years of age.
- \$531.21 monthly for children 6-12 years of age.
- \$621.77 monthly for children 13-21 years of age.<sup>53</sup>

Level II through Level V licensed family foster home placements receive an annual cost of living increase. The cost of living adjustment is based on the annual percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) each December.<sup>54</sup> Additionally, the board rate amount may be increased upon agreement between the DCF, the community-based care lead agency, and the foster parent.<sup>55</sup>

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<sup>46</sup> Section 39.5085(2)(a), F.S.

<sup>47</sup> FN

<sup>48</sup> *Id.*

<sup>49</sup> Section 39.5085(2)(a), F.S.

<sup>50</sup> Section 39.5085(2)(d), F.S.

<sup>51</sup> Section 409.145(3)(a), F.S., lists the foster room and board rates in effect July 1, 2018.

<sup>52</sup> Memorandum to Regional Managing Directors and Community-Based Care Lead Agencies CEOs from Taylor Hatch, Deputy Secretary of the Department of Children and Families (January 12, 2022) (on file with the Senate Appropriations Subcommittee on Health and Human Services).

<sup>53</sup> Family foster parents are eligible to receive this monthly room and board rate until the child reaches age 21.

<sup>54</sup> Section 409.145(3)(b), F.S.

<sup>55</sup> Section 409.145(3)(f), F.S.

As demonstrated by the charts below, the monthly cash assistance amount is higher than the Temporary Cash Assistance for one child but less than the amount paid for a child in the foster care program.

Age of Child	RCP (No License requirement) <sup>56</sup>	Level I Licensure (Child Specific) <sup>57</sup>	Family Foster Homes (Level II-V) <sup>58</sup>	Adoption Assistance (Closed case that closes in an adoption) <sup>59</sup>	GAP (Closed case that closes in a permanent guardianship status) <sup>60</sup>
Ages 0 through 5 years	\$242	\$333	\$517.94	\$417 minimum	\$333 minimum
Ages 6 through 12 years	\$249	\$333	\$531.21	\$417 minimum	\$333 minimum
Ages 13 through 18 years	\$298	\$333	\$621.77	\$417 minimum	\$333 minimum

As an alternative to a monthly room and board or RCP assistance amount, a caregiver may receive a monthly payment after a child is placed in his or her care upon the court finding the child dependent through the DCF's economic self-sufficient programs, including Temporary Cash Assistance for Needy Families (TANF). The amounts that are provided to the caregiver are based on the number of children and are as follows:

- \$180, one child;
- \$241, two children;
- \$303, three children.<sup>61</sup>

A caregiver is prohibited from receiving both the monthly board rate assistance payment under the RCP and TANF payments in the same month.<sup>62</sup>

<sup>56</sup> See s. 39.5085, F.S., and the DCF CFOP No. 170-10, ch. 8-7, available at <https://www.myflfamilies.com/admin/publications/cfops/CFOP%20170-xx%20Child%20Welfare/CFOP%20170-10%20%20Providing%20Services%20and%20Support%20for%20Children%20in%20Care%20and%20for%20Caregivers/CFOP%20170-10,%20%20%20Providing%20Services%20and%20Support%20for%20Children%20in%20Care%20and%20for%20Caregivers.pdf> (last visited January 13, 2022).

<sup>57</sup> Section 409.145(3)(c), F.S.

<sup>58</sup> Section 409.145(3)(a), F.S.

<sup>59</sup> See s. 409.166, F.S.

<sup>60</sup> See s. 39.6225, F.S.

<sup>61</sup> See s. 414.095(10), F.S. These are monthly benefit amounts per total number of children.

<sup>62</sup> The DCF, *CFOP 170-10, Chapter 8 Relative/Kinship Caregiver Support, 8-7(c)*, September 1, 2020, p. 10, available at <https://www.myflfamilies.com/admin/publications/cfops/CFOP%20170-xx%20Child%20Welfare/CFOP%20170-10%20%20Providing%20Services%20and%20Support%20for%20Children%20in%20Care%20and%20for%20Caregivers/CFOP%20170-10.%20%20Chapter%20008,%20Relative-Kinship%20Caregiver%20Support.pdf#:~:text=Temporary%20Assistance%20for%20Needy%20Families%20%28TANF%29%20State%20Plan.,State%20Plan.%20Rule%2065C-28.008%2C%20Florida%20Administrative%20Code%20%28F.A.C.%29> (last visited January 30, 2022).

## **Benefits upon the Child Reaching Permanency**

### ***Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections)***

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) was designed to improve the lives of children and youth in foster care and increase the likelihood that they will be able to leave the foster care system to live permanently with relative caregivers or adoptive families. The law accomplishes this, in part, by allowing states to:

- Extend foster care services for children leaving foster care and adoptive families to the age of 21 years; and
- Establish a subsidized guardianship assistance program for relative caregivers.<sup>63</sup>

### ***Extended Foster Care***

In 2013, the Legislature exercised the option of providing for extended foster care, which applies to young adults aged 18 to 21 who have not achieved permanency prior to their 18<sup>th</sup> birthdays.<sup>64</sup> The program builds on independent living assistance services that were previously available to young adults who “aged-out” of the foster care system.<sup>65</sup> Extended foster care services are available to young adults who are living in licensed care on their 18<sup>th</sup> birthday and who are:

- Completing secondary education or a program leading to an equivalent credential;
- Enrolled in an institution that provides postsecondary or vocational education; Participating in a program or activity designed to promote or eliminate barriers to employment;
- Employed for at least 80 hours per month; or
- Unable to participate in programs or activities listed above full time due to a physical intellectual, emotional, or psychiatric condition that limits participation.<sup>66</sup>

### ***Title IV-E Guardianship Assistance Program***

Additionally, Fostering Connections encouraged the creation of a federally supported program which was codified in s. 39.6225, F.S. The Guardianship Assistance Program (GAP) is for relatives, which includes fictive kin. Section 39.01, F.S., defines “relative” to mean fictive kin,<sup>67</sup> relative,<sup>68</sup> or next of kin.<sup>69</sup>

The GAP provides for reimbursement under federal Title IV-E<sup>70</sup> to support kinship guardianship payments for children living in the homes of relative caregivers who become the children’s legal

<sup>63</sup> P.L. 110-351.

<sup>64</sup> Chapter 2013-178, L.O.F.

<sup>65</sup> Section 409.1451, F.S.

<sup>66</sup> Section 39.6251(2), F.S.

<sup>67</sup> Section 39.01(28), F.S., defines “fictive kin” as a person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship, to a child.

<sup>68</sup> Section 39.01(73), F.S., defines “relative” to mean a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

<sup>69</sup> Section 39.01(51), F.S., defines “next of kin” to mean an adult relative of a child who is the child’s brother, sister, grandparent, aunt, uncle, or first cousin.

<sup>70</sup> The Title IV-E Foster Care Program provides funds to title IV-E agencies (states and Tribes) to assist with the costs of foster care maintenance for eligible children; administrative expenses to manage the program; and training for staff, foster parents, and certain private agency staff. Title IV-E foster care funds are awarded to the 50 States, the District of Columbia,

guardians through a permanent guardianship option.<sup>71</sup> The DCF is required to provide guardianship assistance payments to a participant enrolled in the GAP program for an eligible child in the amount of \$4,000 annually, paid on a monthly basis, which equals \$333 per month. However, the DCF is authorized to provide an amount other than \$4,000 annually as determined by the guardian and the DCF if the alternate amount is memorialized in a written agreement between the guardian and the DCF and the agreement takes into consideration the circumstances of the guardian and the needs of the child.<sup>72</sup>

Both the child and the “relative” may be eligible for assistance under the GAP program. If a child meets certain Title IV-E eligibility standards, he or she may also be eligible for a GAP subsidy if:

- The child has been removed from his or her family’s home pursuant to a voluntary placement agreement or as a result of a judicial determination that allows the child to remain in the home would be contrary to the child’s welfare;
- The child is eligible for federal foster care maintenance payments under Title IV-E for at least six consecutive months while residing in the home of the prospective relative guardian who is licensed or approved as meeting the licensure requirements as a foster family home;<sup>73</sup>
- Returning home or adoption is not an appropriate permanency option for the child;
- The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and
- The child has been consulted regarding the guardianship arrangement (applicable to children age 14 and older).<sup>74</sup>

Further, a “relative” must meet certain conditions to qualify for a GAP subsidy, including that they must:

- Be the eligible child’s relative or close fictive kin;
- Have undergone fingerprint-based criminal record checks and child abuse and neglect registry checks;
- Be a licensed foster parent and approved for guardianship assistance by the DCF;
- Display a strong commitment to caring permanently for the child; and
- Have obtained legal guardianship of the child after the guardianship assistance agreement has been negotiated and finalized with the DCF.<sup>75</sup>

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Puerto Rico, and federally-recognized Indian Tribes, Indian Tribal organizations and Tribal consortia with approved title IV-E plans, and are available as open-ended entitlement grants through single-year appropriations. The program’s focus, which is articulated in statute, is children eligible under the pre-welfare reform Aid to Families with Dependent Children (AFDC) program and removed from their homes due to maltreatment, lack of care, lack of supervision, or other problems attributed to a relative caregiver. See The U.S. Department of Health and Human Services, *Title-IV-E Foster Care Eligibility Reviews Fact Sheet*, available at <https://www.acf.hhs.gov/cb/fact-sheet/title-iv-e-foster-care-eligibility-reviews-fact-sheet> (last visited January 13, 2022).

<sup>71</sup> Mark F. Testa and Leslie Cohen, *Pursuing Permanence for Children in Foster Care: Issues and Options for Establishing a Federal Guardianship Assistance Program in New York State*, School of Social Work, the University of North Carolina at Chapel Hill. June 2010, available at <https://ocfs.ny.gov/main/reports/Pursuing%20Permanence%20for%20Children%20in%20Foster%20Care%20June%202010.pdf> (last visited January 11, 2022).

<sup>72</sup> Section 39.6225(5)(d), F.S.

<sup>73</sup> The Level I child-specific licensure satisfies this requirement.

<sup>74</sup> 33 42 U.S.C. s. 673(d)(3)(A)

<sup>75</sup> 42 U.S.C. ss. 671(a)(20(D) and 673(d)(3)(A)

## **Child Care Subsidy**

In 2020, the average annual cost of center-based infant care in Florida was approximately \$9,312.<sup>76</sup> Single parents in Florida spend, on average, 34.7 percent of their income on center-based infant child care.<sup>77</sup> Married parents of two children living at the poverty line spend approximately 65 percent of their household income for center-based child care.<sup>78</sup> The average price of center-based infant child care in Florida is currently more than the average annual tuition and fees at a public four-year college or university.<sup>79</sup>

## ***The Rilya Wilson Act***

Rilya Wilson disappeared from state custody in January 2001. The child's caregiver maintained that someone from the DCF removed Rilya from her home sometime in January 2001. The DCF was unaware that the child was missing until April 2002 due to casework failures. While her caregiver was sentenced to 55 years in prison in 2013 for her disappearance, Rilya remains missing.<sup>80</sup>

For a number of children, the increased visibility that participation in early education and childcare programs provides can minimize further abuse, neglect, or abandonment. Participation in these programs can also be an important ingredient in reversing the developmental effects that abuse, neglect, and abandonment can have on children.

Early education and child care programs are provided in Florida through the school readiness program under ss. 1002.86-1002.89, F.S. With the establishment of the school readiness program, the different early education and child care programs and their funding sources were merged for the delivery of a comprehensive program of school readiness services to be designed and administered through local early learning coalitions.<sup>81</sup> The school readiness program is housed with the Office of Early Learning, within the Department of Education.<sup>82</sup>

Historically, children who have been abused, neglected, or abandoned and are being served through the dependency system have received one of the highest priorities for child care service. This is due, at least in part, to the interpretation of earlier statutory language that these children were to be provided the highest priority. Current law requires each early learning coalition to give priority for participation in the school readiness program according to specified criteria with an at-risk child being second on the priority list.<sup>83</sup> However, even with this prioritization, there

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<sup>76</sup> Child Care Aware, *Price of Child Care in Florida*, available at [https://info.childcareaware.org/hubfs/2019%20Price%20of%20Care%20State%20Sheets/Florida.pdf?utm\\_campaign=2019%20Cost%20of%20Care&utm\\_source=2019%20COC%20-%20FSL](https://info.childcareaware.org/hubfs/2019%20Price%20of%20Care%20State%20Sheets/Florida.pdf?utm_campaign=2019%20Cost%20of%20Care&utm_source=2019%20COC%20-%20FSL) (last visited January 13, 2022).

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> David Ovalle, GERALYN GRAHAM GET 55 YEARS IN RILYA WILSON FOSTER CHILD ABUSE CASE, MIAMI HERALD, Feb. 12, 2013), available at <http://www.miamiherald.com/latest-news/article1947207.html>. (last visited November 1, 2019)

<sup>81</sup> Section 1002.83, F.S.

<sup>82</sup> Florida Division of Early Learning, *About Us*, available at <http://www.floridaearlylearning.com/> (last visited January 13, 2022).

<sup>83</sup> Section 1002.87, F.S.



are often not enough spaces in school readiness programs for all youth who are the subject of dependency proceedings.

Under the Rilya Wilson Act, children in the foster care system who are enrolled in an early education or child care program must be kept in the program and attend the program at least 5 days per week.<sup>84</sup> The cost of participating in the school readiness program is subsidized in part or fully by the funding of the coalition for eligible children.<sup>85</sup> Criteria have been established for the children who are to receive priority for participating in the program at no cost or at a subsidized rate.<sup>86</sup> The cost of child care shall be assumed by the licensed out-of-home caregiver to the extent that subsidized child care is unavailable.<sup>87</sup>

### **Tuition and Fee Exemptions for Youth in Foster Care**

Youth in foster care face a multitude of barriers when it comes to higher education and as a result the most cited statistic nationally is that about 4 percent graduate from college by the time they reach the age of 26, compared to 36 percent of the general population, according to some studies.<sup>88</sup> Florida was part of the original group of states in the late 1980s that began offering assistance with higher education to students leaving foster care.<sup>89</sup> There are a number of barriers that continue to keep eligible students from accessing existing state support for higher education.

#### ***Florida Law***

Florida first enacted a law providing a fee exemption for youth in foster care in 1988.<sup>90</sup> The initial exemption was provided to young adults in foster care. Before being granted the exemption, students had to apply for and be denied financial aid that covered the payment of all undergraduate fees. The exemption was limited to 8 semesters with the possibility of extending to 10 semesters if the recipient had to take college preparatory classes or needed extra time to pass communication and computation skills testing. Students had to maintain a 2.0 GPA on a 4.0 scale.

In 1997, the tuition and fee exemption was expanded to all cover all children adopted from the DCF custody after December 31, 1997.<sup>91</sup> In 2002, the exemption was expanded again to cover a student who is or was at the time he or she turned 18 years old in the custody of a relative in the Relative Caregiver Program.<sup>92</sup> In 2006, another expansion was granted to any student who after spending at least 6 months in the custody of the DCF after reaching 16 years of age, was placed

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<sup>84</sup> Section 39.604, F.S.

<sup>85</sup> Florida Division of Early Learning, *School Readiness Program*, available at <http://www.floridaeearlylearning.com/parents/family-resources/financial-assistance> (last visited January 11, 2022).

<sup>86</sup> Florida Division of Early Learning, *School Readiness Eligibility Priorities*, available at <http://www.floridaeearlylearning.com/school-readiness/coalitions/eligibility-for-school-readiness> (last visited January 11, 2022).

<sup>87</sup> Rule 65C-40.005, F.A.C.

<sup>88</sup> Youth Today, *As More Schools Aid Foster Students, Data on Results Needed, Researchers Say*, available at <https://youthtoday.org/2019/03/as-more-colleges-states-aid-youth-in-foster-care-data-on-results-is-needed-researchers-say/> (Last visited January 10, 2022).

<sup>89</sup> Section 240.235(6)(a), F.S. (1988).

<sup>90</sup> *Id.*

<sup>91</sup> Section 240.235(5)(a), F.S. (1997). In 1998 and 1999, the December 31, 1997 dates were changed to May 5, 1997.

<sup>92</sup> Chapter 2002-38, L.O.F.

in a guardianship by the court.<sup>93</sup> In 2010, the Legislature, recognizing the difficulties that former foster youth have in completing higher education upon emancipation, expanded the exemption to cover students until age 28 and removed the GPA requirement and the limitation as to the number of credit hours or semesters for which it is available.<sup>94</sup>

### **III. Effect of Proposed Changes:**

#### **Caregiver Room and Board Payment Rates**

The bill amends s. 409.145(3), F.S., to reflect the updated board rate amounts that became effective on January 1, 2022 after applying the most recent CPI-U adjustment.

Further, the bill makes a number of changes to current law relating to monthly payment amounts for relative and nonrelative caregivers. The new rate structure includes increases in the amount of payments to relative and nonrelative caregivers to achieve parity with rates currently paid to Level II through Level V foster parents, while taking into account both non-licensure and levels of licensure and the circumstances of placements.

Specifically, the bill amends s. 39.5085, F.S., to increase the monthly payment amounts for relative and nonrelative caregivers who have children placed with them in out-of-home care to match the rates for Level II through Level V family foster home placements for the following:

- For no more than 6 months after the date of both the placement of the child and the adjudication of dependency, regardless of whether the caregiver has obtained licensure as a child-specific Level I foster placement.<sup>95</sup>
- From the date the caregiver has obtained licensure as a child-specific Level I foster placement, regardless of whether a court has found that the child is dependent, until the child reaches permanency.

Additionally, the bill modifies the monthly payment amount for relatives and nonrelatives in other ways. First, the bill provides that relatives or nonrelatives who fail to obtain licensure as a child-specific Level I foster placement within 6 months after the date the child is found to be dependent or, after the child has been found to be dependent, is placed in out-of-home care in their home, the caregiver must receive a monthly payment as determined by rule that is less than the \$333 monthly payment provided to a participant enrolled in GAP. This payment is required to continue until the child reaches permanency as determined by the court under s. 39.621, F.S., unless the relative or nonrelative caregiver obtains licensure as a child-specific Level I foster placement and becomes eligible to receive payments at the higher board rate allowable under s. 409.145(3), F.S. This monthly difference between non-licensed and licensed child-specific Level I placements will create a payment structure that motivates caregivers to get licensed.

The bill maintains current law for relatives or nonrelatives of children who reach permanency in a permanent guardianship but whose relative caregivers are not enrolled in GAP by providing that such caregivers must receive a monthly payment in an amount determined by rule. The maximum amount of the monthly payment that may be established by rule has been adjusted

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<sup>93</sup> Chapter 2006-194, L.O.F.

<sup>94</sup> Chapter 2010-68, L.O.F.

from 82 percent of the statewide average foster care rate to a rate that must be less than the \$333 monthly payment provided to a participant enrolled in the GAP.

The bill does not specify a lower limit on a monthly payment amount that is determined by the DCF rule rather than statute, but does specify a cap as noted above. Relatives and nonrelatives may also be eligible for a special benefit payment that is to be established by rule.

The bill also amends s. 409.145, F.S., applying the current Level II to Level V room and board rate structure to relative and nonrelative caregivers who are licensed as a Level I child-specific foster placement, and to relative and nonrelative caregivers who are participating in the Relative Caregiver Program and receiving payments pursuant to s. 39.5085(2)(d)1. or 2., F.S., as described above. Further, the bill applies the annual cost of living increase and the supplemental payment for teaching life skills and providing normalcy supports to children who are 13-17 years of age to the same caregivers mentioned above.

### **Early Learning or Child Care Subsidy**

In addition to the monthly board rate payments discussed above, the bill amends s. 409.145, F.S., to provide a \$200 per month subsidy to any foster parents and relative and nonrelative caregivers who have a child placed in their home between the ages of birth to school entry. This subsidy is provided for each child in the home that meets the age requirement regardless of whether the caregiver is licensed or not, but the child must be placed in out-of-home care with the caregiver and be the subject of an open dependency proceeding.

As discussed above, children in the foster care system who are enrolled in an early education or child care program must be kept in that program and attend the program at least five days per week. The cost of participating in the school readiness program is subsidized in part or fully by the funding of the coalition for eligible children, but that funding can only be utilized if there is a spot open in a school readiness program. Even if the child can be enrolled in a program that qualifies for the school readiness subsidy from the ELC, often that subsidy does not cover the cost of the program and the caregiver is responsible for paying the difference. The subsidy in the bill is therefore intended to help defray the cost of an early learning or child care program.

### **Postsecondary Tuition and Fee Exemption**

As the tuition and fee exemption for students who are or were in out-of-home care under varying circumstances changed and expanded, instances were discovered that appeared to create inequities between similarly situated students and brought to light the issue of reunited students.

The bill addresses some of those issues by expanding the scope of potential students eligible for a tuition and fee exemption at a workforce education program, a Florida College System institution or a state university, to include a student who was the subject of a shelter proceeding, a dependency proceeding, or a termination of parental rights proceeding, and who:

- Are, or were at the time of reaching 18 years of age, in out-of-home care, rather than in the custody of the DCF as is provided for in current law;
- After reaching 14 years of age, spent at least 18 months in out-of-home care and were then reunited with his or her parents who were the subject of the dependency proceeding before

reaching 18 years of age, including a student who was reunited under s. 39.8155, F.S. (reinstatement of parental rights). A student is only eligible for this tuition waiver if, in addition to the above-described factors, the student is also Pell Grant-eligible;<sup>96</sup> or

- Were placed in a permanent guardianship, regardless of whether the caregiver participates or participated in the Relative Caregiver Program under s. 39.5085, F.S., and remains in such guardianship until either the student reaches 18 years of age or, if before reaching 18 years of age, enrolls in an eligible institution.

The bill is effective July 1, 2022.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

#### **V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill conforms to the Senate proposed General Appropriations Act (GAA) for Fiscal Year 2022-2023. The Senate proposed GAA provides funding totaling \$44,035,644 from various fund sources as noted below to provide for the provisions of the bill:

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<sup>96</sup> The bill provides that the entity imposing the tuition and fees must verify the eligibility.

- \$18,215,844 in recurring funding to provide for increases in monthly payments for relative and nonrelative caregivers to achieve parity with rates currently paid to foster parents, including supplemental board rates when applicable. The increases would apply to caregivers enrolled in the Relative Caregiver Program or are classified as a Level I Child Specific Foster Home who are responsible for a child who has not reached permanent guardianship or adoption. The cost is \$12,956,082 from the General Revenue Fund; \$4,554,738 from the Federal Grants Trust Fund; and \$705,024 from the Welfare Transition Trust Fund
- \$24,880,800 in recurring funding to provide a supplemental child care subsidy of \$200 per month for relative and nonrelative caregivers and foster parents. The cost is \$19,206,037 from the General Revenue Fund and \$5,674,763 from the Federal Grants Trust Fund; and
- \$939,000 of nonrecurring funding to make necessary changes to the FSFN and the ACCESS information technology systems to support data currently not in these systems. The DCF estimates these costs to be \$469,500 from the General Revenue Fund and \$469,500 from the Federal Grants Trust Fund.<sup>97</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends the following sections of the Florida Statutes: 39.5085, 409.145, and 1009.25.

The bill reenacts the following sections of the Florida Statutes: 393.065 and 409.1451.

**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 Appropriations on February 21, 2022:**

The committee substitute:

- Aligns the Level II through V foster home room and board rates to the official board rates released by DCF for calendar year 2022;
- Clarifies the types of child welfare proceedings that allow a student to be eligible for the tuition waiver; and

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<sup>97</sup> The Department of Children and Families, SB 7034 Bill Analysis, p. 9, (January 29, 2022) (on file with the Senate Appropriations Subcommittee on Health and Human Services).

- Makes other technical and clarifying changes.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By the Committee on Children, Families, and Elder Affairs

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1 A bill to be entitled  
 2 An act relating to child welfare; amending s. 39.5085,  
 3 F.S.; revising payment rates for relative and  
 4 nonrelative caregivers under the Relative Caregiver  
 5 Program; amending s. 409.145, F.S.; revising and  
 6 specifying room and board rates paid by the Department  
 7 of Children and Families; providing applicability of  
 8 annual cost of living increase and supplemental room  
 9 and board payment provisions to certain caregivers;  
 10 providing for an additional monthly payment for  
 11 certain caregivers; amending s. 1009.25, F.S.;  
 12 revising fee waiver eligibility for students who are  
 13 or were placed in the custody of a relative or  
 14 nonrelative to include certain students; creating a  
 15 tuition and fee exemption for students who enter the  
 16 custody of the department after a specified age and  
 17 who are reunited with their parent or parents before  
 18 reaching a specified age and after spending at least  
 19 18 months in out-of-home care; requiring the student  
 20 to meet certain federal financial aid eligibility  
 21 requirements; requiring the entity imposing the  
 22 tuition and fees to verify such eligibility; creating  
 23 a tuition and fee waiver for students who were the  
 24 subject of a dependency hearing, were placed in a  
 25 permanent guardianship, and remain in such  
 26 guardianship until the student reaches 18 years of age  
 27 or, if before reaching 18 years of age, he or she  
 28 enrolls in an eligible institution; reenacting s.  
 29 393.065(5) (b), F.S., relating to certain waiver

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30 services, to incorporate the amendments made to s.  
 31 409.145, F.S., in a reference thereto; reenacting s.  
 32 409.1451(2) (b), F.S., relating to the Road-to-  
 33 Independence Program, to incorporate the amendments  
 34 made to s. 409.145, F.S., in references thereto;  
 35 providing an effective date.  
 36

37 Be It Enacted by the Legislature of the State of Florida:

38  
 39 Section 1. Present paragraphs (e) through (h) of subsection  
 40 (2) of section 39.5085, Florida Statutes, are redesignated as  
 41 paragraphs (f) through (i), respectively, a new paragraph (e) is  
 42 added to that subsection, and paragraph (d) of that subsection  
 43 is amended, to read:

44 39.5085 Relative Caregiver Program.—

45 (2)

46 (d) Relatives or nonrelatives ~~who are~~ caring for children  
 47 placed with them by the court pursuant to this chapter shall  
 48 receive a ~~special~~ monthly payment as follows:

49 1. From the date a child who is placed with the relative or  
 50 nonrelative is found to be dependent, or from the date a child  
 51 who has previously been found to be dependent is placed in out-  
 52 of-home care with the relative or nonrelative, until 6 months  
 53 after such placement, the rate of the monthly payment for  
 54 relatives and nonrelatives shall be the same as the rate  
 55 established in s. 409.145(3) for licensed family foster homes  
 56 regardless of whether licensure as a child-specific level I  
 57 foster placement has been obtained.

58 2. Relatives or nonrelatives who have children placed with

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them in out-of-home care and who have obtained licensure as a child-specific level I foster placement at any time after the date of the placement, regardless of whether a court has found that the child is dependent, shall receive the monthly payment at the rate established in s. 409.145(3) until the child reaches permanency, as determined by the court under s. 39.621.

3.a. Relatives or nonrelatives shall receive a monthly payment in an amount determined by department rule, in an amount that must be less than the monthly payment provided to a participant enrolled in the Guardianship Assistance Program under s. 39.6225, if licensure as a child-specific level I foster placement has not been obtained by 6 months from the date that the child is:

(I) Found to be dependent and, at the time of the finding, the child is placed with the relative or nonrelative; or

(II) Placed in out-of-home care in the home of the relative or nonrelative after the date from which the child has previously been found to be dependent.

b. The payment under this subparagraph shall continue until the child reaches permanency as determined by the court under s. 39.621 or until the relative or nonrelative caregiver obtains licensure as a child-specific level I foster placement and becomes eligible to receive payments under subparagraph 2.

4. Relatives or nonrelatives who have children placed in their care by permanent guardianship pursuant to s. 39.6221, in a permanent placement with a fit and willing relative pursuant to s. 39.6231, or under former s. 39.622 if the placement was made before July 1, 2006, who are not enrolled in the Guardianship Assistance Program pursuant to s. 39.6225, shall

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receive a monthly payment in an amount determined by department rule which must be less than the monthly payment provided to a participant enrolled in the Guardianship Assistance Program under s. 39.6225.

(e) Relatives or nonrelatives obtaining monthly payments under this section may also obtain a special benefit payment ~~caregiver benefit established by rule of the department~~. The amount of the special benefit payment shall be based on the child's age within a payment schedule established by rule of the department and subject to availability of funding. ~~The statewide average monthly rate for children judicially placed with relatives or nonrelatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, and the cost of providing the assistance described in this section to any caregiver may not exceed the cost of providing out of home care in emergency shelter or foster care.~~

Section 2. Present subsection (4) of section 409.145, Florida Statutes, is redesignated as subsection (5), a new subsection (4) is added to that section, and subsection (3) of that section is amended, to read:

409.145 Care of children; "reasonable and prudent parent" standard.—The child welfare system of the department shall operate as a coordinated community-based system of care which empowers all caregivers for children in foster care to provide quality parenting, including approving or disapproving a child's participation in activities based on the caregiver's assessment using the "reasonable and prudent parent" standard.

(3) ~~FOSTER CARE~~ ROOM AND BOARD RATES.—

(a) Effective July 1, 2022 ~~2018~~, room and board rates shall



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be paid to foster parents, including relative and nonrelative caregivers who are licensed as a level I child-specific foster placement, and to relative and nonrelative caregivers who are participating in the Relative Caregiver Program and receiving payments pursuant to s. 39.5085(2)(d)1. or 2., as follows:

Monthly Room and Board ~~Foster Care~~ Rate

0-5 Years Age	6-12 Years Age	13-21 Years Age
<u>\$517.95</u> <del>\$457.95</del>	<u>\$531.22</u> <del>\$469.68</del>	<u>\$621.77</u> <del>\$549.74</del>

(b) Each January, foster parents, including relative and nonrelative caregivers who are licensed as a level I child-specific foster placement, and to relative and nonrelative caregivers who are participating in the Relative Caregiver Program and receiving payments pursuant to s. 39.5085(2)(d)1. or 2., shall receive an annual cost of living increase. The department shall calculate the new room and board rate increase equal to the percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, not seasonally adjusted, or successor reports, for the preceding December compared to the prior December as initially reported by the United States Department of Labor, Bureau of Labor Statistics. The department shall make available the adjusted room and board rates annually.

(c) ~~Effective July 1, 2019, foster parents of level I~~

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~~family foster homes as defined in s. 409.175(5)(a) shall receive a room and board rate of \$333.~~

~~(d) Effective July 1, 2019, the foster care room and board rate for level II family foster homes as defined in s. 409.175(5)(a) shall be the same as the new rate established for family foster homes as of January 1, 2019.~~

~~(e) Effective January 1, 2020, paragraph (b) shall only apply to level II through level V family foster homes, as defined in s. 409.175(5)(a).~~

~~(f)~~ The amount of the monthly ~~foster care~~ room and board rate may be increased upon agreement among the department, the community-based care lead agency, and the foster parent.

~~(g)~~ (d) Effective July 1, 2019 ~~From July 1, 2018, through June 30, 2019,~~ community-based care lead agencies providing care under contract with the department shall pay a supplemental room and board payment to foster ~~care~~ parents, including relative and nonrelative caregivers who are licensed as a level I child-specific foster placement, and to relative and nonrelative caregivers who are participating in the Relative Caregiver Program and receiving payments pursuant to s. 39.5085(2)(d)1. or 2. of all family foster homes, on a per-child basis, for providing independent life skills and normalcy supports to children who are 13 through 17 years of age placed in their care. The supplemental payment ~~must shall~~ be paid monthly ~~to the foster care parents~~ in addition to the current monthly room and board rate payment. The supplemental monthly payment shall be based on 10 percent of the monthly room and board rate for children 13 through 21 years of age as provided under this section and adjusted annually. ~~Effective July 1, 2019, such~~

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170 ~~supplemental payments shall only be paid to foster parents of~~  
 171 ~~level II through level V family foster homes.~~

172 (4) CHILD CARE SUBSIDY.—Any foster parents and relative or  
 173 nonrelative caregivers, regardless of whether the relative or  
 174 nonrelative caregivers participate in the Relative Caregiver  
 175 Program or are licensed as a level I child-specific foster  
 176 placement, who have a child placed in out-of-home care in the  
 177 home between the age of birth to school entry shall receive a  
 178 payment of \$200 per month to pay toward the cost of an early  
 179 learning or child care program.

180 Section 3. Paragraphs (c) and (d) of subsection (1) of  
 181 section 1009.25, Florida Statutes, are amended to read:

182 1009.25 Fee exemptions.—

183 (1) The following students are exempt from the payment of  
 184 tuition and fees, including lab fees, at a school district that  
 185 provides workforce education programs, Florida College System  
 186 institution, or state university:

187 (c) A student who was the subject of a dependency  
 188 proceeding and:

189 1. Is, or was at the time he or she reached 18 years of  
 190 age, in out-of-home care. ~~the custody of the Department of~~  
 191 ~~Children and Families or who,~~

192 2. Is, or was at the time he or she reached 18 years of  
 193 age, in the custody of a relative or nonrelative pursuant to s.  
 194 39.5085 or s. 39.6225.

195 3. After spending at least 6 months in the custody of the  
 196 department after reaching 16 years of age, was placed in a  
 197 guardianship by the court.

198 4. After reaching 14 years of age and thereafter spending

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199 at least 18 months in out-of-home care, was reunited with his or  
 200 her parent or parents who were the subject of the dependency  
 201 proceeding before he or she reaches 18 years of age, including a  
 202 student who is reunited under s. 39.8155. For a student to be  
 203 eligible under this subparagraph, the student must be Pell  
 204 Grant-eligible, and the entity imposing the tuition and fees  
 205 must verify such eligibility.

206 5. Was adopted from the department after May 5, 1997.

207 6. Was placed in a permanent guardianship, regardless of  
 208 whether the caregiver participates or participated in the  
 209 Relative Caregiver Program under s. 39.5085, and remains in such  
 210 guardianship until the student either reaches 18 years of age  
 211 or, if before reaching 18 years of age, he or she enrolls in an  
 212 eligible institution.

213  
 214 Such exemption includes fees associated with enrollment in  
 215 applied academics for adult education instruction. The exemption  
 216 remains valid until the student reaches 28 years of age.

217 ~~(d) A student who is, or was at the time he or she reached~~  
 218 ~~18 years of age, in the custody of a relative or nonrelative~~  
 219 ~~under s. 39.5085 or s. 39.6225 or who was adopted from the~~  
 220 ~~Department of Children and Families after May 5, 1997. Such~~  
 221 ~~exemption includes fees associated with enrollment in applied~~  
 222 ~~academics for adult education instruction. The exemption remains~~  
 223 ~~valid until the student reaches 28 years of age.~~

224 Section 4. For the purpose of incorporating the amendments  
 225 made by this act to section 409.145, Florida Statutes, in a  
 226 reference thereto, paragraph (b) of subsection (5) of section  
 227 393.065, Florida Statutes, is reenacted to read:

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228 393.065 Application and eligibility determination.—  
 229 (5) The agency shall assign and provide priority to clients  
 230 waiting for waiver services in the following order:  
 231 (b) Category 2, which includes individuals on the waiting  
 232 list who are:  
 233 1. From the child welfare system with an open case in the  
 234 Department of Children and Families' statewide automated child  
 235 welfare information system and who are either:  
 236 a. Transitioning out of the child welfare system at the  
 237 finalization of an adoption, a reunification with family  
 238 members, a permanent placement with a relative, or a  
 239 guardianship with a nonrelative; or  
 240 b. At least 18 years but not yet 22 years of age and who  
 241 need both waiver services and extended foster care services; or  
 242 2. At least 18 years but not yet 22 years of age and who  
 243 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the  
 244 extended foster care system.  
 245  
 246 For individuals who are at least 18 years but not yet 22 years  
 247 of age and who are eligible under sub-subparagraph 1.b., the  
 248 agency shall provide waiver services, including residential  
 249 habilitation, and the community-based care lead agency shall  
 250 fund room and board at the rate established in s. 409.145(3) and  
 251 provide case management and related services as defined in s.  
 252 409.986(3)(e). Individuals may receive both waiver services and  
 253 services under s. 39.6251. Services may not duplicate services  
 254 available through the Medicaid state plan.  
 255  
 256 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a

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257 waiting list of clients placed in the order of the date that the  
 258 client is determined eligible for waiver services.  
 259 Section 5. For the purpose of incorporating the amendments  
 260 made by this act to section 409.145, Florida Statutes, in  
 261 references thereto, paragraph (b) of subsection (2) of section  
 262 409.1451, Florida Statutes, is reenacted to read:  
 263 409.1451 The Road-to-Independence Program.—  
 264 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—  
 265 (b) The amount of the financial assistance shall be as  
 266 follows:  
 267 1. For a young adult who does not remain in foster care and  
 268 is attending a postsecondary school as provided in s. 1009.533,  
 269 the amount is \$1,256 monthly.  
 270 2. For a young adult who remains in foster care, is  
 271 attending a postsecondary school, as provided in s. 1009.533,  
 272 and continues to reside in a licensed foster home, the amount is  
 273 the established room and board rate for foster parents. This  
 274 takes the place of the payment provided for in s. 409.145(3).  
 275 3. For a young adult who remains in foster care, but  
 276 temporarily resides away from a licensed foster home for  
 277 purposes of attending a postsecondary school as provided in s.  
 278 1009.533, the amount is \$1,256 monthly. This takes the place of  
 279 the payment provided for in s. 409.145(3).  
 280 4. For a young adult who remains in foster care, is  
 281 attending a postsecondary school as provided in s. 1009.533, and  
 282 continues to reside in a licensed group home, the amount is  
 283 negotiated between the community-based care lead agency and the  
 284 licensed group home provider.  
 285 5. For a young adult who remains in foster care, but

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286 temporarily resides away from a licensed group home for purposes  
287 of attending a postsecondary school as provided in s. 1009.533,  
288 the amount is \$1,256 monthly. This takes the place of a  
289 negotiated room and board rate.

290 6. A young adult is eligible to receive financial  
291 assistance during the months when he or she is enrolled in a  
292 postsecondary educational institution.

293 Section 6. This act shall take effect July 1, 2022.

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/21/22

Meeting Date

Appropriations

Committee

SB 7034

Bill Number or Topic

Amendment Barcode (if applicable)

Name Sara Clements

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Address 115 E. Park Ave

Street

Email sclements@mwcll.com

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Foster and Adoptive  
Parent Association

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: HB 7065, 1st Eng.

INTRODUCER: House Children, Families and Seniors Subcommittee; and Representative Altman and others

SUBJECT: Child Welfare

DATE: February 18, 2022

REVISED: 02/21/22

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cox</u>	<u>Sadberry</u>	<u>AP</u>	<u>Favorable</u>

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**I. Summary:**

The bill aids in creating and sustaining safe, stable, nurturing relationships and environments for children and families that allow children to grow up to their full potential. Parents and families who are equipped with proper support and skills are better able to meet the needs of their children and protect them from experiencing adverse childhood experiences.

The bill takes a holistic approach to addressing the needs of children and families by:

- Creating opportunities for not-for-profit organizations who address the needs of fathers and provide mentorships for at-risk males to receive funding through grant programs established within the Department of Children and Families (DCF).
- Providing that the grants awarded for fatherhood initiatives and mentoring of at-risk boys may be awarded for a period of up to three years and requiring the grantees to comply with certain accountability and reporting requirements to continue receiving funding.
- Providing for increased engagement with and provision of services to fathers by requiring Florida's community-based care lead agencies to hire father engagement specialists and requiring the Department of Health (DOH) to include father engagement activities in the current programs that offer home visiting services.
- Directing the DCF to contract for an initiative to promote responsible fatherhood with the goal of providing all fathers resources and inspiration to enhance their positive involvement with their children.
- Requiring the Legislature to designate the month of June as "Responsible Fatherhood Month" to recognize the importance of fathers in their children's lives.
- Requiring the DCF and the Department of Juvenile Justice (DJJ) to identify children that are dually involved with both systems of care and provide a report to the Legislature that includes actions taken by both agencies to better serve such children.
- Requiring the DJJ to be invited to participate in multidisciplinary assessment staffings conducted pursuant to s. 39.4022, F.S., if the child is involved in both the DCF and the DJJ systems of care for open dependency and delinquency proceedings, respectively.

- Requiring the Department of Revenue to establish a dedicated webpage on its website to provide obligors who have difficulty paying child support due to economic hardship certain information that will, in part, assist the obligor with modifying a child support order or access services from CareerSource Florida.
- Requiring the notification related to delinquent child support to be in writing and include certain information.
- Requiring the Department of Economic Opportunity (DEO) to expand grants for organizations that assist certain noncustodial parents become self-sufficient and establish a successful pattern of meeting child support payments.
- Requiring a children's initiative to update the strategic community plan every five years to reflect the current status of the area served and providing requirements for a children's initiative to receive state funding.

The bill conforms to the House of Representatives proposed General Appropriations Act (GAA) for Fiscal Year 2022-2023. The House proposed GAA contains \$63,899,851 in recurring general revenue funds in the DCF, DOH, DJJ, and DEO to implement certain provisions of the bill. See Section V. Fiscal Impact Section.

The bill is effective July 1, 2022.

## **II. Present Situation:**

Refer to Section III (Effect of Proposed Changes) for discussion of the relevant portions of current law.

## **III. Effect of Proposed Changes:**

Children encounter negative experiences when growing up in households with substance misuse, mental health problems, and instability due to parental separation. Exposure to adverse childhood experiences can disrupt healthy brain development, affect social development, compromise immune systems, and can lead to unhealthy coping behaviors. Creating and sustaining safe, stable, and nurturing relationships and environments for children and families can allow children to grow to their full potential. Parents and families who are equipped with proper support and skills can meet the needs of their children and protect them from experiencing adverse childhood experiences.

### **Fatherhood and Child Well-Being (Sections 5, 8, 9, 15, and 18)**

There are an estimated 75 million fathers in the United States;<sup>1</sup> however, 18.4 million children, or one out of four, live without a biological, step, or adoptive father in the home.<sup>2</sup> Children in mother-only households are the second most common living arrangement in the United States.<sup>3</sup>

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<sup>1</sup> U.S. Census Bureau, *Fatherly figures: a snapshot of dads today*, (2018), available at <https://www.census.gov/library/visualizations/2018/comm/fathers-day.html> (last visited February 16, 2022).

<sup>2</sup> U.S. Census Bureau, *Living arrangements of children under 18 years old: 1960 to present*, (Nov. 2021), available at <https://www.census.gov/data/tables/time-series/demo/families/children.html> (last visited February 16, 2022).

<sup>3</sup> The first most common living arrangement is two-parent households. See U.S. Census Bureau, *Percentage and Number of Children Living with Two Parents Has Dropped since 1968*, (Apr. 2021), available at

About 7.6 million (11 percent) children lived in mother-only households in 1968, compared to 15.3 million (21 percent) in 2020.<sup>4</sup>

Children raised in father-absent households, compared to two-parent households, are more likely, on average, to abuse drugs and alcohol, show signs of antisocial and delinquent behavior, and drop out of high school.<sup>5</sup> Such children are also more likely to experience poverty,<sup>6</sup> teen pregnancy,<sup>7</sup> child abuse and neglect,<sup>8</sup> behavioral problems,<sup>9</sup> and death in infancy.<sup>10</sup>

There is growing research on the link between father involvement and children's well-being.<sup>11</sup> Father involvement and positive interactions with their children are important for children's health, self-esteem, social skills, and educational attainment. Multiple studies have found positive links between father involvement and a child's graduation from high school, social-emotional adjustment, and mental health into adulthood.<sup>12</sup>

Additionally, men experience benefits from being fathers, including improving mental and emotional health and being more community involved. Being a father is linked to positive employment outcomes including an increase in wages and work effort.<sup>13</sup> Fathers are more likely than childless men to be involved in community service and to provide support to friends and

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<https://www.census.gov/library/stories/2021/04/number-of-children-living-only-with-their-mothers-has-doubled-in-past-50-years.html> (last visited February 16, 2022).

<sup>4</sup> *Id.*

<sup>5</sup> See McLanahan, S., Tach, L., & Chneider, D. (2013), Annual Review of Sociology, *The causal effects of father absence*, 39(1), 399-427, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3904543/>; Salas-Wright, C.P., Vaughn, M.G., Uglade J., & Todici, J. (2015), Addictive Behavior, *Substance abuse and teen pregnancy in the United States: Evidence from the NSDUH 2002-2012*, 45(1), 218-225, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4374013/> (all sites last visited February 17, 2022).

<sup>6</sup> See U.S. Department of Health and Human Services, *Information on Poverty and Income Statistics: A Summary of 2012 Current Population Survey Data*, (Sept. 2012), available at <https://aspe.hhs.gov/reports/information-poverty-income-statistics-summary-2012-current-population-survey-data-0> (last visited February 16, 2022).

<sup>7</sup> Ellis, B.J., Bates, J. E., Dodge, K. A., Fergusson, D. M., et. al. (2003). Does father absence place daughters at special risk of early sexual activity and teenage pregnancy? *Child Development*, 74(3), 801-821, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2764264/> (last visited February 17, 2022).

<sup>8</sup> Stapp, John, The Effects of Fatherlessness on Children, (Jan. 13, 2020), available at [The Effects of Fatherlessness on Children - Joe Stapp, LPC \(blueridgescounseling.org\)](https://www.blueridgescounseling.org/the-effects-of-fatherlessness-on-children-joe-stapp-lpc) (last visited February 16, 2022).

<sup>9</sup> See Osborne, C., & McLanahan, S., Journal of Marriage and Family 69(4), *Partnership instability and child well-being*, (2007), p. 1065-1083, available at <https://psycnet.apa.org/record/2007-14907-012> (last visited February 17, 2022).

<sup>10</sup> See Mathews, T. J., MacDorman, M. F., & Thoma, M. E., National Vital Statistics Reports, 64(9), *Infant mortality statistics from the 2013 period linked birth/ infant death data set*, (2015), p. 1-30, available at [https://www.cdc.gov/nchs/data/nvsr/nvsr64/nvsr64\\_09.pdf](https://www.cdc.gov/nchs/data/nvsr/nvsr64/nvsr64_09.pdf) (last visited February 17, 2022).

<sup>11</sup> Karberg, E., Finochiaro, J., & Vann, N. (2019). *Father and child well-being: A scan of current research*. National Responsible Fatherhood Clearinghouse, available at <https://fatherhood.gov> (last visited February 16, 2022).

<sup>12</sup> McLanahan, S., Tach, L., & Schneider, D. (2013). The causal effects of father absence. Annual Review of Sociology, 39, 399-427, available at <https://www.annualreviews.org/doi/full/10.1146/annurev-soc-071312-145704> (last visited February 18, 2022).

<sup>13</sup> Astone, N.M., & Peters, H.E. (2014). Longitudinal influences on men's lives: Research from the transition to fatherhood project and beyond. *Fathering: A Journal of Theory, Research, and Practice about Men as Fathers*, 12(2), 161-173, available at <https://psycnet.apa.org/record/2014-35882-004> (last visited February 18, 2022)



extended family.<sup>14</sup> Additionally, fathers tend to be healthier than men who do not have children, and some research suggests they may live longer.<sup>15</sup>

### ***National and State Fatherhood Initiatives***

Federal and state initiatives are attempting to address the needs of fathers by providing resources and information to encourage fatherhood engagement and strengthen fathers and families. The Office of Family Assistance within the United States Department of Health & Human Services funds the National Responsible Fatherhood Clearinghouse which provides, facilitates, and disseminates current research and innovative strategies to strengthen fatherhood engagement.<sup>16</sup> Some examples of state initiatives include the South Carolina Center for Fathers and Families and the Ohio Commission on Fatherhood. The South Carolina Center for Fathers and Families supports fathers by providing resources and tools to help men understand what responsible fatherhood means and how to achieve it.<sup>17</sup> The Ohio Commission on Fatherhood within the Ohio Department of Job and Family Services strengthens Ohio families by funding community-based programs that serve low-income fathers, advocates for father-oriented policy changes, and trains county leaders on how to mobilize their community to promote responsible fatherhood.<sup>18</sup>

### ***Department of Health***

The purpose of the Department of Health (DOH) is to protect and promote the health of all residents and visitors in Florida.<sup>19</sup> Under current law, the DOH must:

- Identify, diagnose, and conduct surveillance of disease and health conditions in the state and accumulate the health statistics necessary to establish trends,
- Implement interventions that prevent or limit the impact or spread of diseases and health conditions,
- Collect, manage, and analyze vital statistics and other health data to inform the public and formulate public health policy and planning,
- Maintain and coordinate preparedness for and responses to public health emergencies in the state,
- Provide or ensure the provision of quality health care and related services to identified populations in the state, and
- Regulate health practitioners for the preservation of the health, safety, and welfare of the public.<sup>20</sup>

<sup>14</sup> Eggebeen, D., Dew, J., & Knoester, C.W., *Journal of Family Issues*, *Fatherhood and men's lives at middle age*, (2010), p. 113-130, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4302395/> (last visited February 17, 2022).

<sup>15</sup> Bartlett, E.E., *The Journal of Men's Health & Gender*, *The effects of fatherhood on the health of men: A review of the literature*, (2004), p. 159-169, available at [https://www.researchgate.net/publication/244815152\\_The\\_Effects\\_of\\_Fatherhood\\_on\\_the\\_Health\\_of\\_Men\\_A\\_Review\\_of\\_the\\_Literature](https://www.researchgate.net/publication/244815152_The_Effects_of_Fatherhood_on_the_Health_of_Men_A_Review_of_the_Literature) (last visited February 17, 2022) (hereinafter cited as "Journal of Men's Health and Gender - Effects of Fatherhood").

<sup>16</sup> U.S. Department of Health & Human Services, National Responsible Fatherhood Clearinghouse, *About Us*, available at <https://fatherhood.gov/about-us> (last visited February 16, 2022).

<sup>17</sup> South Carolina Center for Fathers and Families, *Who We Are*, available at <https://www.scfathersandfamilies.com/who-we-are/> (last visited February 16, 2022).

<sup>18</sup> Ohio Commission on Fatherhood, *About Us*, available at <https://fatherhood.ohio.gov/About-Us/Purpose> (last visited February 16, 2022).

<sup>19</sup> Section 20.43, F.S.

<sup>20</sup> *Id.*

The DOH is the designated agency for administering maternal and child health services, including delivering services through county health departments or subcontractors for the provision of enhanced services for medically and socially high-risk clients.<sup>21</sup> The DOH must establish in each county health department a Healthy Start Coordination Program in which a care coordinator is responsible, in part, for directing family outreach efforts.<sup>22</sup> Pursuant to s. 383.011(1)(e), F.S., the care coordination process must include, at a minimum, family outreach workers and health paraprofessionals who assist in providing enhanced services to pregnant women, infants, and their families that are determined to be at potential risk by the DOH's screening instrument. These enhanced services include, but are not limited to, home visiting to support the delivery of and participation in prenatal and infant primary care services.<sup>23</sup>

### Home Visiting Programs

The Florida Association of Healthy Start Coalitions, Inc., (FAHSC) develops and supports local systems of care to optimize the health of moms, babies and families.<sup>24</sup> The FAHSC is made up of 32 individual coalitions from across the state.<sup>25</sup> The DOH contracts directly with local Healthy Start Coalitions for the provision of services. Each coalition uses data and research to design a service delivery plan unique to their community.

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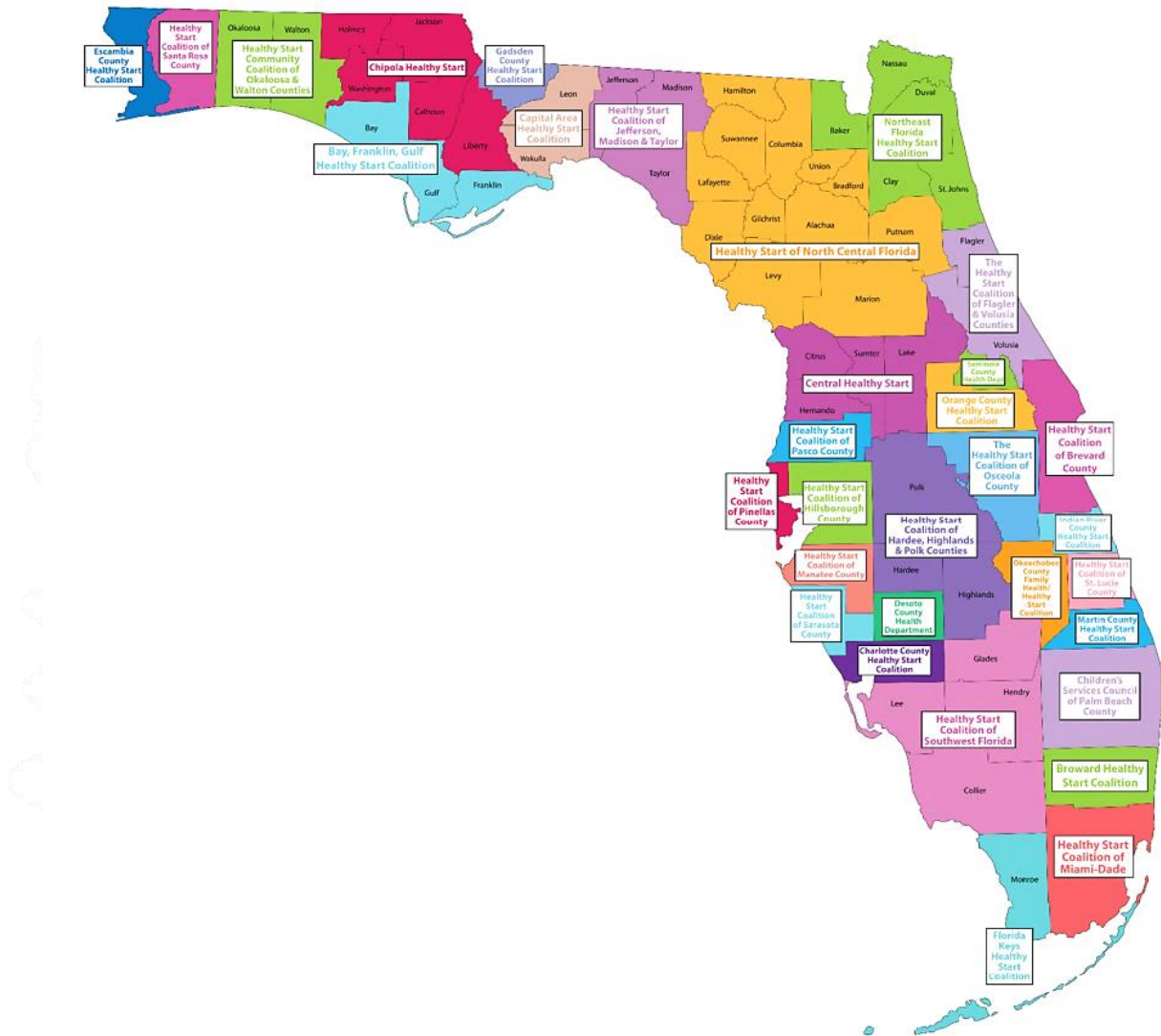
<sup>21</sup> Section 383.011(1), F.S.

<sup>22</sup> Section 383.011(1)(e), F.S.

<sup>23</sup> Section 383.011(1)(d), F.S.

<sup>24</sup> Florida Healthy Start Coalition, *About Us*, available at <https://www.healthystartflorida.com/about-us/> (last visited February 16, 2022).

<sup>25</sup> Florida Association of Healthy Start Coalitions, Inc., *Every Baby Deserves a Healthy Start* (on file with the Senate Committee on Appropriations).



FAHSC programs include, in part, Florida's Maternal Infant and Early Childhood Home Visiting (MIECHV) and the Early Childhood Comprehensive System (ECCS), and Florida's Healthy Start.<sup>26</sup>

The Health Resources and Services Administration within the United States Department of Health and Human Services contracts with the FAHCS to administer MIECHV funding for evidence-based home visiting programs. In Fiscal Year 2019-2020, Florida's MIECHV initiative provided perinatal home visiting services to 2,790 families in 29 of Florida's high-need communities.<sup>27</sup>

Florida's three federally-funded evidence-based home visiting programs include:

- **Nurse-Family Partnerships**, which is a national program that provides education and support to first time mothers in low-income communities using specially-trained nurse home

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

visitors. Families receive services starting in pregnancy through the child's second birthday.<sup>28</sup>

- **Healthy Families Florida**, which is a nationally accredited program by Healthy Families America which provides highly trained home visitors to educate and support overburdened families at risk for adverse childhood experiences, including maltreatment. Services begin prenatally or within the first three months after a child's birth and can last up to five years depending on the unique needs of the family.<sup>29</sup>
- **Parents as Teachers**, which is a national program that includes one-on-one home visits, monthly group meetings, developmental screenings, and a resource network for families. Parent educators conduct the home visits using structured visit plans and guided planning tools.<sup>30</sup>

In addition to the above-mentioned three federally-funded home visiting programs, Florida has other home visiting programs available statewide or within local communities.<sup>31</sup> Florida Healthy Start is a program that provides education, support, and proven interventions to expecting families who are at-risk of poor birth outcomes or developmental delays.<sup>32</sup> The program focuses on common issues or conditions that occur during pregnancy or in infancy and is available in all 67 counties. Risk screenings, offered by prenatal care providers and birthing hospitals, identifies families that could benefit from Healthy Start or other home visiting programs. Healthy Start is available statewide to all eligible families. Families can participate in Healthy Start beginning in pregnancy or in the first year after birth, and can continue until the infant turns three. All home visiting programs are voluntary and match parents with trained professionals to provide information and support during pregnancy and throughout the child's first three years of life.

In July 2018, Florida implemented a statewide, coordinated intake and referral system (Connect) that is housed within the FAHSC.<sup>33</sup> Connect is an entry point for services, including home visiting. Staff receive information from prenatal providers or from parents who self-refer or are referred by community partners. The Connect staff contacts parents to determine their needs and desires for services, then offers an array of services available in their community. Assuming home visiting is accepted, a referral to a program is made and the program contacts the parent to schedule an appointment.

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<sup>28</sup> Florida Maternal Infant & Early Childhood Home Visiting Initiative, *Home Visiting is Provided*, available at [https://www.flmiechv.com/systemsbuilding/the-models/#:~:text=The%20Nurse%2DFamily%20Partnership%20\(NFP,through%20the%20child's%20second%20birthday](https://www.flmiechv.com/systemsbuilding/the-models/#:~:text=The%20Nurse%2DFamily%20Partnership%20(NFP,through%20the%20child's%20second%20birthday). (last visited February 17, 2022).

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> Email from Cathy Timuta, Chief Executive Office, Florida Association of Healthy Start Coalitions, Healthy Start Coalitions/Home Visiting Programs, January 31, 2022 (on file with the Senate Committee on Appropriations).

<sup>32</sup> Florida Department of Health, *Healthy Start*, available at <https://www.floridahealth.gov/programs-and-services/childrens-health/healthy-start/index.html> (last visited February 16, 2022).

<sup>33</sup> Florida Association of Healthy Start Coalitions, *Florida Home Visiting Statewide Needs Assessment Update*, (2020), available at <https://usf.app.box.com/s/lgo5m5kewur9seaj872333j5tsna3bm> (last visited February 16, 2022).

***Effect of the Bill (Sections 5, 8, 9, 15, and 18)*****Responsible Fatherhood Initiative (Section 8)**

The bill creates s. 409.1464, F.S., requiring the DCF to contract for the development and implementation of a communications initiative regarding responsible fatherhood. The goal of the initiative is to provide resources and inspiration to Florida's fathers to motivate and enable them to enhance their abilities as fathers. The bill requires the campaign to involve, at a minimum, a website and related electronic resources to allow fathers to obtain information about effective parenting and where to receive support and services. The campaign must include, but not be limited to, print, television, and digital and social media elements, and public events. The communications initiative may also have appearances by and involvement from public figures and influencers. The selected contractor must collaborate with other agencies and organizations to develop and implement the communication initiative. The state agencies must collaborate with the contractor to carry out the initiative.

**Grants to Address the Needs of Fathers (Section 9)**

The bill creates s. 409.1465, F.S., requiring the DCF to award grants to not-for-profit community-based organizations to address the needs of fathers. Under the bill, two types of grants are available to not-for-profit community organizations, including grants to:

- Comprehensively address the needs of fathers, such as assisting them in finding employment, establishing appropriate child support obligations, transitioning from incarceration, accessing health care, and obtaining parenting education. Services provided by grantees must be tailored to the needs of fathers being served and must include case management services to be provided to fathers. If the father receiving case management services has a child receiving case management services from a community-based care lead agency (CBC) because the child is the subject of a dependency proceeding under ch. 39, F.S., the case management services may be coordinated.
- Provide evidence-based parenting education specifically for fathers. These grants do not include case management.

The bill requires grants to be prioritized based on:

- Need in the geographical area and population proposed to be served. Criteria for selecting grant recipients includes, at a minimum, local rates of unemployment, incarceration, housing instability, graduation, single parenthood, and receipt of public benefits.
- Applicants having a primary mission of, or a history of a significant focus on and effective work towards, addressing the needs of men in their role as fathers.
- Commitment and capability to employ sufficient, competent staff that are able to relate to and connect with the fathers being served.
- The number of individuals the applicant plans to serve through the grant and the projected costs for the program.
- Applicant organizational capacity to effectively meet the requirements of the grant and to deliver the programs proposed by the applicant.

The bill requires grants to be awarded for no more than three years, with subsequent year funding contingent on compliance with grant requirements and adequate performance. Grant

recipients must submit reports to the DCF in a format and at intervals prescribed by the DCF, which must be at least annually.

The bill provides that the DCF may adopt rules to implement the grant program.

#### Fatherhood Engagement Activities (Sections 5 and 15)

##### *Required Activities of the DOH*

The bill amends s. 383.011, F.S., requiring the DOH, through county health departments or subcontractors, to provide services that include father engagement activities, such as individualized support to increase participation in services that strengthen family and child well-being.

##### *Required Activities of the CBCs*

The bill also amends s. 409.988, F.S., requiring CBCs to meet the unique needs of fathers with dependent children. Specifically, the bill requires a CBC to assess its engagement with fathers and provision of father-oriented services. Each CBC must create and implement an action plan to address any gaps identified through the assessment.

The bill also requires the CBCs to hire a father engagement specialist to build relationships with fathers, assist fathers in accessing services, and provide guidance to the CBC in understanding the challenges faced by fathers and how to appropriately meet their unique needs.

The bill also requires the DCF to annually review how CBCs are meeting the needs of fathers, including, at a minimum, how the CBC is working with fathers to establish positive, stable relationships with children and assisting fathers to receive needed services. The CBC is required to provide any relevant information on how it is meeting the needs of fathers to the DCF to be included in the annual report required by s. 409.986, F.S.

#### Responsible Fatherhood Month (Section 18)

The bill creates s. 683.344, F.S., to designate the month of June of every year as “Responsible Fatherhood Month” to recognize the importance of fathers in children’s lives, how fathers contribute to children’s safety and stability, and the direct link between positive father involvement and child well-being. The DCF, the DOH, local governments, and other agencies are encouraged to sponsor events to promote awareness of responsible fatherhood engagement and the contributions fathers make in the lives of children.

#### **At-Risk Children and Agencies that Serve such Children (Sections 1, 3, and 10)**

Children who live in vulnerable families and in communities that are inadequately supportive are more likely to engage in high-risk behavior.<sup>34</sup> Such children are vulnerable to multiple and intersecting problems, including emotional and behavioral disorders, substance misuse, violent

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<sup>34</sup> Brack, C.J., Brack, G., Orr, DP., Journal on Early Adolescence, *Dimensions underlying problem behaviors, emotions, and related psychological factors in early and middle adolescents*, 14:345-370, available at [Dimensions Underlying Problem Behaviors, Emotions, and Related Psychosocial Factors in Early and Middle Adolescents - Catherine J. Brack, Greg Brack, Donald P. Orr, 1994 \(sagepub.com\)](#), (last visited February 17, 2022).

and risk-taking behaviors, and poor connection to and performance in high school.<sup>35</sup> Not all vulnerable children experience negative outcomes. However, multiple factors can influence whether children face negative outcomes in adolescence and adulthood.<sup>36</sup>

- **Poverty** is linked to a number of potential future problems among children, including chronic health conditions, low educational attainment, and engagement in delinquent behavior.
- **Family instability** can lead to negative health outcomes and negative behaviors.
- **Family dysfunction**, including witnessing violence against mothers and criminal activity among fathers, are particularly detrimental to the future well-being of children.
- **Child maltreatment** by parents or other caregivers put children at risk for many negative outcomes, including poor physical and mental health, lower cognitive functioning and educational attainment, and poor social development and behavior.
- **Exposure to violence in the community** is linked to several negative outcomes such as depression, aggressive behavior, anxiety, posttraumatic stress, psychological trauma, and antisocial behavior.
- **Schools with fewer resources** are associated with poor academic outcomes and can create environments with problematic social issues, such as bullying and behavioral problems.

Children from struggling, single-parent families who live in neighborhoods that offer few positive outlets and limited number of positive role models benefit from stable relationships with caring adults, other than parents.<sup>37</sup> Overall, children participating in mentoring relationships experience positive academic returns such as fewer unexcused absences, increased likelihood to attend postsecondary education, and an overall better attitude towards school.<sup>38</sup> Mentoring also show promise in the prevention of substance misuse and the reduction of some negative behaviors.<sup>39</sup>

Florida has several agencies and systems to support children and families who may face difficulties, some of which protect children from abuse or neglect, promote healthy families through the provision of in-home services, and strengthen families by improving the lives of children at-risk of engaging in or involved in delinquent behavior.

### ***Department of Children and Families***

The DCF mission is to work in partnership with local communities to protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency.<sup>40</sup> The DCF must deliver services by contract through private providers to the extent allowed by law and funding.<sup>41</sup> These private providers include managing entities delivering behavioral health services and CBCs delivering child welfare services.

<sup>35</sup> See Congressional Research Services, *Vulnerable Youth: Background and Policies*, Jan 30, 2018, p. 5-6, available at <https://sgp.fas.org/crs/misc/RL33975.pdf> (last visited February 17, 2022).

<sup>36</sup> Journal of Men's Health and Gender - Effects of Fatherhood.

<sup>37</sup> See Jekielek, M.A., Moore, Kristin, Hair, Elizabeth, and Scarupa, Harriet, *Mentoring: A Promising Strategy for Youth Development* (Feb. 2002), *Child Trends*, available at <https://www.childtrends.org/wp-content/uploads/2002/02/MentoringRB.pdf> (last visited February 16, 2022) (hereinafter cited as "Mentoring – Promising Strategy").

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> Section 20.19(1), F.S.

<sup>41</sup> *Id.*



### ***Florida's Child Welfare System***

In part, the DCF is responsible for providing services to children and families who are involved in the child welfare system. Chapter 39, F.S., creates the dependency system which is charged with protecting child welfare. Florida's child welfare system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations.<sup>42</sup> The DCF and the CBCs work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for children.

### ***Community-Based Care Lead Agencies***

The DCF remains responsible for providing child welfare and support services in accordance with federal and state law.<sup>43</sup> However, Florida's child welfare system is served through the DCF contracting with the CBCs for the delivery, administration, and management of care of child welfare services. Using the CBCs to provide child welfare services is designed to increase local community ownership of service delivery and design.<sup>44</sup> The DCF, through the CBCs, administers a system of care for children with the goals of:

- Prevention of separation of children from their families.
- Intervention to allow children to remain safely in their own homes.
- Reunification of families who have had children removed from their care.
- Safety for children who are separated from their families.
- Well-being of children through emphasis on educational stability and timely health care.
- Achievement of permanency.
- Effective transition to independence and self-sufficiency.

The CBCs provide foster care and related services, including, but not limited to, counseling, domestic violence services, substance abuse services, family preservation, emergency shelter, and adoption.<sup>45</sup> The CBCs contract with a number of subcontractors for case management and direct care services to children and their families.<sup>46</sup> There are 18 CBCs statewide, which together serve the state's 20 judicial circuits.<sup>47</sup>

### ***The Dependency Court Process***

When child welfare necessitates that the DCF remove a child from the home, a series of dependency court proceedings must occur to adjudicate a child dependent and place that child in out-of-home care.

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<sup>42</sup> See ss. 39.101 and 39.201, F.S.

<sup>43</sup> Section 409.996, F.S.

<sup>44</sup> The DCF, *Community-Based Care*, available at <https://www.myflfamilies.com/service-programs/community-based-care/> (last visited February 16, 2022).

<sup>45</sup> Section 409.145(1), F.S.

<sup>46</sup> *Id.*

<sup>47</sup> The DCF, *Community-Based Care Lead Agency Map*, available at <http://www.myflfamilies.com/service-programs/community-based-care/cbc-map> (last visited February 16, 2022).



Dependency Proceeding	Description of Process	Controlling Statute
Shelter Hearing	A shelter hearing occurs within 24 hours after removal. The judge determines whether to keep the child out-of-home.	s. 39.401, F.S.
Petition for Dependency	A petition for dependency occurs within 21 days of the shelter hearing. This petition seeks to find the child dependent.	s. 39.501, F.S.
Arraignment Hearing and Shelter Review	An arraignment and shelter review occurs within 28 days of the shelter hearing. This allows the parent to admit, deny, or consent to the allegations within the petition for dependency and allows the court to review any shelter placement.	s. 39.506, F.S.
Adjudicatory Trial	An adjudicatory trial is held within 30 days of arraignment. The judge determines whether a child is dependent during trial.	s. 39.507, F.S.
Disposition Hearing	If the child is found dependent, disposition occurs within 15 days of arraignment or 30 days of adjudication. The judge reviews the case plan and placement of the child. The judge orders the case plan for the family and the appropriate placement of the child.	s. 39.506, F.S. s. 39.521, F.S.
Postdisposition Hearing	The court may change temporary placement at a postdisposition hearing any time after disposition but before the child is residing in the permanent placement approved at a permanency hearing.	s. 39.522, F.S.
Judicial Review Hearings	The court must review the case plan and placement every 6 months, or upon motion of a party.	s. 39.701, F.S.
Petition for Termination of Parental Rights	Once the child has been out-of-home for 12 months, if DCF determines that reunification is no longer a viable goal, termination of parental rights is in the best interest of the child, and other requirements are met, a petition for termination of parental rights is filed.	s. 39.802, F.S. s. 39.8055, F.S. s. 39.806, F.S. s. 39.810, F.S.
Advisory Hearing	This hearing is set as soon as possible after all parties have been served with the petition for termination of parental rights. The hearing allows the parent to admit, deny, or consent to the allegations within the petition for termination of parental rights.	s. 39.808, F.S.
Adjudicatory Hearing	An adjudicatory trial shall be set within 45 days after the advisory hearing. The judge determines whether to terminate parental rights to the child at this trial.	s. 39.809, F.S.

### ***Multidisciplinary Teams***

Florida's child welfare system is responsible for finding safe out-of-home placements for children when children cannot safely remain at home with parents at any stage of the dependency proceedings described in the above table. A child may be placed with a relative, fictive kin, licensed foster parent, or in a group home.<sup>48</sup> A multidisciplinary team (MDT) staffing with certain relevant participants is required any time a child must be initially placed in out-of-home care, subsequently moved to another placement, or when there is an important decision that must be made regarding the child.<sup>49</sup>

The formation of an MDT must begin as soon as possible when a child is removed from the home or before a child is moved from a current placement, or within 72 hours in an emergency situation.<sup>50</sup> The DCF or the CBC *must* invite the following participants to each MDT staffing, with reasonable efforts to have all mandatory invitees attend:

- The child, unless not of an age or capacity to participate in the staffing;

<sup>48</sup> Rule 65C-28.004, F.A.C.

<sup>49</sup> Section 409.4022, F.S.

<sup>50</sup> Section 39.4022(7), F.S.

- The child's family members and other individuals identified by the family as being important to the child, provided that a parent who has a no contact order or injunction, is alleged to have sexually abused the child, or is subject to a termination of parental rights may not participate;
- The child's current caregiver, unless the caregiver is a parent who has a no contact order or injunction, is alleged to have sexually abused the child, or is subject to a termination of parental rights;
- A representative from the DCF, other than the DCF attorney, when the DCF is directly involved in the decision being made by the staffing;
- A representative from the CBC, when the CBC is directly involved in decision being made by the staffing; and
- The child's case manager or case manager supervisor.<sup>51</sup>

Additionally, based on the particular decision being made at the staffing, the DCF or the CBC *may* also invite other professionals, including, but not limited to:

- A representative from the Children's Medical Services, if the Children's Medical Services is involved with the family;
- A guardian ad litem, if one is appointed;
- A school personnel representative who has direct contact with the child;
- A therapist or other behavioral health professional, if applicable;
- A mental health professional with expertise in sibling bonding, if the DCF or the CBC deems such expert is necessary; or
- Other community providers of services to the child or stakeholders, when applicable.<sup>52</sup>

Before formulating a decision regarding the child, the members of the MDT must gather and consider data and information on the child which is known at the time of the staffing. The assessment conducted by the MDT may also use an evidence-based assessment instrument or tool that is best suited for determining the specific decision of the staffing and the needs of the child and family.<sup>53</sup>

The DCF and the CBCs must follow and support an MDT decision if the MDT participants reach a unanimous consensus decision. However, if participants cannot come to a unanimous consensus decision, the MDT facilitator must notify the court and the DCF within 48 hours after the conclusion of the staffing. The DCF must then determine how to address the issues raised at the staffing by what is in the child's best interest.<sup>54</sup>

### ***Department of Juvenile Justice***

Section 20.316, F.S., establishes the Department of Juvenile Justice (DJJ), and directs the Governor to appoint a Secretary who is responsible for planning, coordinating, and managing all juvenile justice services and programs in Florida, including:

- Children-in-Need of Services;

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<sup>51</sup> Section 39.4022(4)(a)1., F.S.

<sup>52</sup> Section 39.4022(4)(b), F.S.

<sup>53</sup> Section 39.4022(6), F.S.

<sup>54</sup> Section 39.4022(6)(d), F.S.

- Families-in-Need of Services;
- Other prevention, early intervention, and diversion programs;
- Detention centers and related programs and facilities;
- Community-based residential commitment and nonresidential programs; and
- Delinquency institutions provided or funded by the DJJ.

Children involved in the child welfare system are more likely to become involved with the juvenile justice system. Overall, maltreated children are estimated to be at a 47 percent greater risk of becoming involved in delinquency than children from the greater population.<sup>55</sup>

### ***Dually Involved Children***

Crossover youth is a broad term used to refer to at-risk children who have experienced maltreatment and who have engaged in delinquent behavior. Terms that are often used to describe subsets of this population include dually involved and dually adjudicated. Many children who have experienced child maltreatment early in life may only encounter the juvenile justice system later on. There are four common ways children fall into the crossover category:

Overview of Pathways Leading to Crossing Over			
	Starting Point	Occurrence	Result
<b>Pathway 1</b>	Child has an open child welfare case	Child is arrested	Child enters the delinquency system
<b>Pathway 2</b>	Child is arrested	Child has a previously closed child welfare case	Referral is made to child welfare agency
<b>Pathway 3</b>	Child is arrested – no previous contact with child welfare	Upon investigation, maltreatment is discovered	Referral is made to child welfare agency
<b>Pathway 4</b>	Child is arrested, adjudicated, and placed in a correctional placement	Time in correctional placement ends, but there is no safe home to return to	Referral to child welfare agency

In comparison to peers, crossover youth have higher rates of mental health issues, higher rates of recidivism, educational challenges, placement instability, poor permanency outcomes, and extensive behavioral problems. In adulthood, such children are more likely to interact with the criminal justice system, use more public services, and remain unemployed with fewer earnings over time.

### ***Data on Dually Involved Children***

Systems of care rarely share information; therefore, identifying and responding to dually involved children has been difficult to find. Much of the research on dually involved children is the result of special projects that match cohorts of children from one system to another. Findings of some of the available research include, for example, that:

<sup>55</sup> Ryan, J. P., & Testa, M. F., Children and Youth Services Review, *Child Maltreatment and Juvenile Delinquency: Investigating the Role of Placement and Placement Instability*, (2005), p. 227-249 available at <https://doi.org/10.1016/j.childyouth.2004.05.007> (last visited February 16, 2022).

- Upwards of 50 percent of children referred to delinquency juvenile courts may be dually involved.<sup>56</sup>
- Between 7 percent and 30 percent of children in the child welfare system, between the ages of 10 and 18, are eventually served by the juvenile justice system.<sup>57</sup>
- Family risk factors and the number of incidents with protective services increase the likelihood of a child arrest regardless of age and gender.
- Placement instability has more negative consequences for offending than just being placed in out-of-home care.<sup>58</sup> For example, one study found that children who moved three or more times had significantly higher arrest rates for all types of criminal behavior.<sup>59</sup>
- There is some indication that positive attachments to others and safe school environments reduce the likelihood of delinquency among maltreated children.<sup>60</sup>
- Childhood abuse and neglect increases the odds of future delinquency and adult criminality overall by 29 percent.<sup>61</sup>

In December 2021, 767 children were served by *both* the DCF and the DJJ. The graph below depicts the statewide trend of dually involved children and their placements in care from June 2017 to December 2021.<sup>62</sup> Based on this data, a significant portion of dually involved children live in out-of-home care. There is no readily available data indicating how these children came into care and how their needs are being met by the DCF and the DJJ.

<sup>56</sup> Thomas, D., et. al., Nat'l Ctr. For Juv. Justice, *When systems collaborate: how three jurisdictions improved their handling of dual-status cases*, (2015), available at <https://www.ncjfcj.org/wp-content/uploads/2015/05/WhenSystemsCollaborateJJGPSCaseStudyFinal042015.pdf> (last visited February 16, 2022).

<sup>57</sup> Cutuli, JJ, et al., *Journal of Youth and Adolescence*, *From foster care to juvenile justice: exploring characteristics of youth in three cities*, (2019), available at [https://link.springer.com/epdf/10.1007/s10964-019-01090-3?author\\_access\\_token=jPBoH90dEh7dOhxNe9mvuve4RwlQNchNBvi7wbcMAY5vpzFiYs87Z\\_Lzh70N-LjV4D\\_jU6Q0H4vHbfn8PFKJS6vKDWpp8mYYeB3wfUbKIhNAPQA2HUx-Qyf4lchyHDS\\_xVWLdZUfnEKTAxu4qSPFyw%3D%3D](https://link.springer.com/epdf/10.1007/s10964-019-01090-3?author_access_token=jPBoH90dEh7dOhxNe9mvuve4RwlQNchNBvi7wbcMAY5vpzFiYs87Z_Lzh70N-LjV4D_jU6Q0H4vHbfn8PFKJS6vKDWpp8mYYeB3wfUbKIhNAPQA2HUx-Qyf4lchyHDS_xVWLdZUfnEKTAxu4qSPFyw%3D%3D) (last visited February 16, 2022).

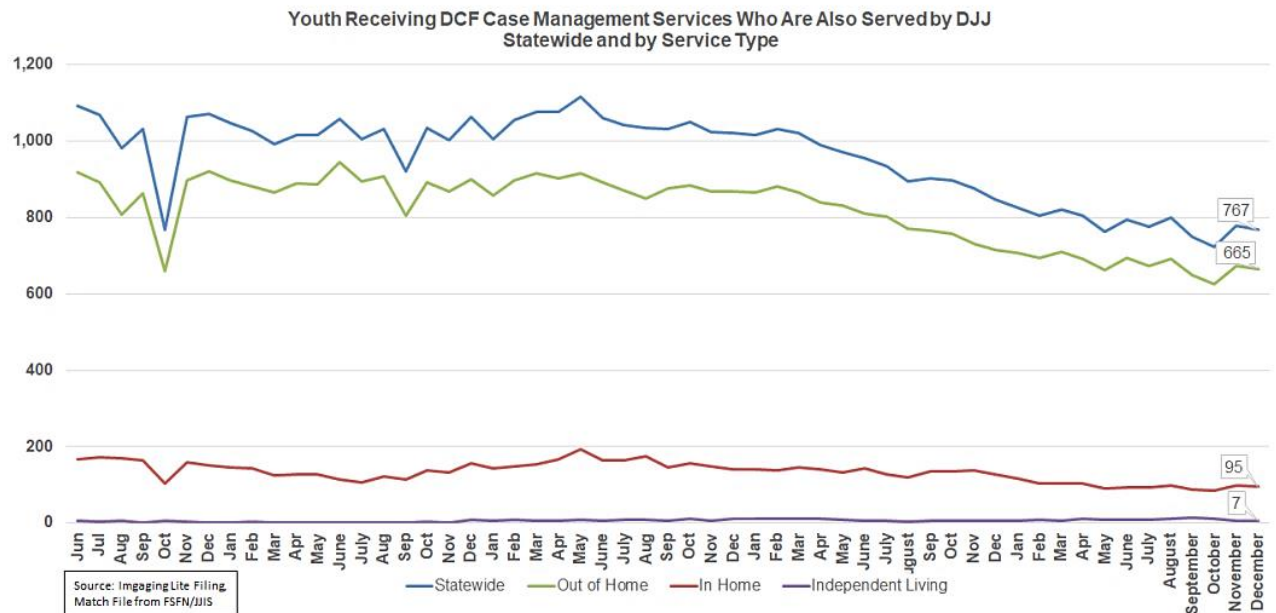
<sup>58</sup> Widom, C.S., and Maxfield, M.G., Washington, DC.: U.S. Department of Juvenile, Office of Justice Programs, National Institute of Justice, *An update on the "cycle of violence": Research in Brief*, (2001) (on file with the Senate Committee on Appropriations).

<sup>59</sup> *Id.*

<sup>60</sup> Ryan, J.P., Testa, M.F., Zhai, F., *Child Welfare, African American youth in foster care and the risk of delinquency: The value of social bonds and permanence*, (2008), p. 115-40; Crooks et al., *Youth Violence and Juvenile Justice, Project Confirm: An outcome evaluation of a program for children in the child welfare and juvenile justice systems*, p. 97-115; and Benda, B. B., and Corwyn, R. F., *Youth & Society, The effect of abuse in childhood and in adolescence on violence among adolescents*, (2002), p. 339-65 (all documents on file with the Senate Committee on Appropriations).

<sup>61</sup> Mentoring – Promising Strategy.

<sup>62</sup> Florida Department of Children and Families, *Child Welfare Key Indicators Monthly Report*, (Jan. 2022), available at [http://www.centerforchildwelfare.org/qa/cwkeyindicator/KI\\_Monthly\\_Report\\_Jan%202022.pdf](http://www.centerforchildwelfare.org/qa/cwkeyindicator/KI_Monthly_Report_Jan%202022.pdf) (last visited February 16, 2022).



A draft of the DJJ-DCF Crossover Report for Fiscal Year 2016-2017 is the most recent data available from DJJ.<sup>63</sup> The table below represents children served at various levels in the DJJ system during Fiscal Year 2106-2017 by the DCF level of care since 2005.<sup>64</sup>

DCF Involvement	DJJ Involvement						
	Prevent	Civil Citation	Intake	Diversion	Probation	Commitment	Aftercare
No DCF Involvement	7,346	8,020	15,600	8,424	7,346	1,067	1,045
Investigation	7,472	3,620	13,684	5,659	7,472	1,823	1,484
In Home	1,278	508	2,318	866	1,278	383	318
Out-of-Home	3,253	931	5,656	1,780	3,253	1,002	755
Total	19,349	13,079	37,258	16,729	19,349	4,275	3,602

There is a lack of consistent data collection at the DCF and the DJJ level. For example, there is no readily available data from the DJJ that includes current data on dually involved children. Additionally, the DCF published data is limited to children currently being served by *both* the DJJ and the DCF, and does not include past involvement with either agency. There is no readily available data on the number of children placed in foster care after leaving the DJJ custody or data on placement disruptions or time to placement for this specific population. Increased information is important to identify and serve this at-risk population.

<sup>63</sup> Draft DJJ-DCF Crossover Report Fiscal Year 2016-2017 (on file with the Senate Committee on Appropriations).

<sup>64</sup> *Id.*

### ***Memorandum of Understanding (MOU) with Specified Agencies on Dually Involved Youth***

The DCF reports that it and the DJJ have worked over the last four years to develop and implement interagency statewide efforts to address issues surrounding dually involved youth who have an open case simultaneously with both agencies.<sup>65</sup>

Number of Dually Served Youth <sup>66</sup>					
Fiscal Year	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021
Youth Served	2,194	2,183	2,110	1,997	1,645

The DCF/DJJ partnership provides an important foundation as the DCF aligns group home standards with the new FFSPA restrictions on federal reimbursement for children not placed in a foster home and prepares to provide a certification in the state plan assuring that new policies and practices will not result in an increase in the number of youth in the juvenile justice system.

Additionally, the DCF has entered into an updated MOU for Fiscal Years 2017-2022, titled “Interagency Agreement to Coordinate Services Served by More than One Agency”, which includes the Agency for Health Care Administration, the Agency for Persons with Disabilities, the DCF, the DJJ, the Department of Education, the DOH, the Guardian ad Litem Program, and Florida’s Division of Early Learning. The goal of the MOU is to collaborate on developing necessary local and statewide resources for children being served by multiple agencies to advance the goals of the Florida Children and Youth Cabinet as outlined in s. 402.56, F.S.<sup>67</sup>

The DCF further reports that it is the lead agency for the MOU and that it is tasked with identifying Local (LRT), Regional (RRT), and State Review Team (SRT) leads.<sup>68</sup> There are 20 LRT, 6 RRT, and 3 SRT Leads for the DCF. Each Review Team is tasked with staffing youth cases where the data from these staffings is provided into a detailed report and shared with the leads, Crossover Champions, and DCF and DJJ Leadership each month. Summation reports are also completed on a 6-month, annual, and 18-month basis.<sup>69</sup>

### ***Effect of the Bill***

#### **Mentorship for At-Risk Male Students (Section 10)**

The bill creates s. 409.1467, F.S., to require the DCF to award grants to community-based not-for-profit organizations incorporated under ch. 617, F.S., to offer mentorship programs for at-risk male students. The DCF must provide grants to:

- Assist at-risk male students in middle and high school in developing social, emotional, and cognitive skills to prepare them for success.

<sup>65</sup> The DCF, *Agency Analysis on HB 7065*, February 10, 2022, p. 3 (on file with the Senate Committee on Appropriations) (hereinafter cited as “The DCF HB 7065 Analysis”).

<sup>66</sup> The source for dually served youth data is a monthly DCF/DJJ data match and this data includes unduplicated counts, meaning a child is counted one time regardless of the number of times they interact with either DCF or DJJ. The DCF HB 7065 Analysis at p. 3.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

- Provide an opportunity for smaller not-for-profit organizations to receive training and technical assistance that will strengthen their capacity to provide high-quality, effective services and obtain additional non-state funding in the future.

The bill further requires grant recipients to:

- Recruit and train mentors for eligible at-risk male students.
- Provide mentorship, social and academic support, life skill development, and other opportunities for eligible at-risk male students.
- Use trauma-informed practices and interventions to address adverse childhood experiences of eligible at-risk male students.
- Be inclusive of eligible at-risk male students who have a disability.

The bill specifies minimum factors for the DCF to consider when prioritizing applicants for a grant, including:

- Unemployment rates; incarceration rates; housing instability; the number of single-parent households; the number of public benefit recipients; graduation rates; and levels of academic achievement in the geographic area in which mentorship services would be provided.
- The number of at-risk male students that the applicant plans to serve through the grant and the projected costs for the new or expanded mentorship program.
- The applicant's current revenues and organizational capacity, experience and demonstrated effectiveness in serving at-risk male students or providing mentorship programs, and commitment to organizational development through the training required under the bill to achieve specific goals.

The bill provides that the DCF may award grants that are between \$25,000 and \$250,000 per year and the grants may be awarded to a community-based not-for-profit organization for no more than three years, contingent on continued eligibility, compliance with grant requirements, and adequate performance. The DCF is required to create categories of grants based on the annual revenues of the community-based not-for-profit organizations that are applying in order to maximize the opportunities for small not-for-profit organizations to receive grants.

Grant recipients are required to submit reports to the DCF in a format and at intervals prescribed by the DCF. At a minimum, grant recipients must report on the number of at-risk male students served and their ages, the number of mentors providing mentorship services, and the outcomes of the at-risk students served, including, but not limited to, improved academic success, decreased involvement in the juvenile justice system, and enhanced readiness for and involvement in postsecondary education, as appropriate.

The DCF is required to contract for the provision of technical assistance and training in not-for-profit management, outcomes measurement, and positive youth development for grant recipients. Within 6 months after receiving a grant, a grant recipient must complete any training as required by the DCF in order to achieve the goal specified in these provisions. The contracted provider must determine the specific training needed by grant recipients and directly provide or subcontract for such training and technical assistance.



Further, the bill requires a community-based not-for-profit organization to have organizational management and a board of directors reflective of the community served by the organization in order to be eligible to receive a grant.

#### Dually Involved Children (Sections 1 and 3)

The bill creates s. 39.0143, F.S., requiring the DCF and the DJJ to identify children dually involved with both systems of care. Beginning in Fiscal Year 2022-2023 through Fiscal Year 2023-2024, the DCF and the DJJ are required to collaboratively take appropriate action within available resources to meet the needs of dually-involved children more effectively, and shall jointly submit to the Legislature a quarterly report that includes, at a minimum:

- Data on the number of children who are dually involved with both systems of care. Such children include, but are not limited to, those who are the subject of any proceeding under ch. 39, F.S., and, at the same time, are under the supervision of the DJJ under ch. 985, F.S., and those children who were previously served by either the DCF or the DJJ and come to the attention of either agency after being served.
- Data on the number of children who are placed in licensed care after leaving the custody of the DJJ.
- Information on how both the DCF and the DJJ track children who are or become dually involved.
- A summary of the actions taken by both the DCF and the DJJ to better serve dually involved children.

The bill amends s. 39.4022, F.S., requiring the DCF or the CBCs to invite a representative from the DJJ to an MDT staffing if the child is dually involved with both the DCF and the DJJ. This ensures that the necessary professionals who are involved with the child are a part of the discussion and the decision related to the child that is being made at the MDT staffing.

#### **Older Foster Youth (Sections 4, 6, and 7)**

Young adults who age out of the foster care system have trouble achieving self-sufficiency. Compared to young adults without foster care involvement, these young adults are less likely to earn a high school diploma or GED, or attend college. They are more likely to suffer from mental health problems, have a higher rate of criminal justice system involvement, have difficulty achieving financial independence, need public assistance, and to experience housing instability and homelessness.<sup>70</sup>

In Federal Fiscal Year 2017, around 189,000 teens and young adults spent at least one day in foster care.<sup>71</sup> Of those who left care during that year, more than 19,000 aged out of care.<sup>72</sup> This generally means youth reached a state's legal age of adulthood without reaching permanency.

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<sup>70</sup> The Florida Commission on the Status of Women, *The Aging Out Dilemma and Foster Care in Florida*, available at <http://fcsww.net/wp-content/uploads/2015/02/revisedFosterCareandtheAgingOutDilemma.pdf> (last visited February 17, 2022).

<sup>71</sup> Congressional Research Services, *John H. Chafee Foster Care Program for Successful Transition to Adulthood*, (Jan. 15, 2019), available at <https://fas.org/sgp/crs/misc/IF11070.pdf> (last visited February 16, 2022).

<sup>72</sup> *Id.*



In State Fiscal Year (SFY) 2020-2021, 1,047 young adults started the year at 17 years of age in Florida's foster care system.<sup>73</sup> Of those, 862 youth, or 82 percent, aged out of care at the age of 18 years. Such foster youth can elect to enter Florida's extended foster care program if they meet certain requirements. Within the group of youth that aged out of care, 477 entered extended foster care and were eligible to receive foster care services until age 21 years, or 22 years if the youth is disabled.<sup>74</sup>

### ***Independent Living Services***

Florida provides independent living services to older youth to help them transition out of foster care and to prepare them to become self-sufficient adults. Florida's independent living services include extended foster care, which applies to young adults who were in licensed foster care upon turning 18.<sup>75</sup> Florida also offers two other independent living programs, including Postsecondary Education Services and Supports (PESS) and Aftercare Services. The following table provides information on the eligibility to participate in Florida's independent living programs and the services provided by each program.

Program	Eligibility	Services
<b>Extended Foster Care (EFC)</b>	Young adults who turned 18 in foster care and are: <ul style="list-style-type: none"> <li>• Completing high school or its equivalent; <b>or</b></li> <li>• Enrolled in college or vocational schooling; <b>or</b></li> <li>• Working at least 80 hours per month.</li> </ul> To stay in EFC, the young adult must: <ul style="list-style-type: none"> <li>• Meet with a case manager every month.</li> <li>• Continue to participate in at least one of the required activities above.</li> <li>• Attend court reviews every six months.</li> </ul>	Young adults may choose to remain in licensed foster care and receive foster care services until the age of 21 (22 with a disability).
<b>Postsecondary Education Services and Support (PESS)</b>	1. Young adults who turned 18 in foster care and spent at least 6 months in licensed out-of-home care before age 18.  2. Young adults who are at least 18 and were adopted from foster care after age 16 or were placed with a court-approved guardian after spending at least 6 months in licensed foster care within the 12 months immediately preceding such adoption or placement; <b>and</b> <ul style="list-style-type: none"> <li>• Have earned a high school diploma or equivalent; <b>and</b></li> <li>• Are attending a college or vocational school that is Florida Bright Futures eligible.</li> </ul>	<ul style="list-style-type: none"> <li>• \$1,256 per month for: <ul style="list-style-type: none"> <li>○ Housing</li> <li>○ Utilities</li> <li>○ Living expenses</li> </ul> </li> <li>• Available until the age 23.</li> </ul>
<b>Aftercare Services</b>	Young adults who turned 18 while in licensed foster care, but are not yet 23, and <ul style="list-style-type: none"> <li>• Are <i>not</i> in EFC; <b>or</b></li> <li>• Are <i>not</i> in PESS.</li> </ul>	<ul style="list-style-type: none"> <li>• Mentoring</li> <li>• Tutoring</li> <li>• Substance abuse treatment</li> <li>• Counseling</li> <li>• Job and career skills training</li> <li>• Temporary financial assistance for necessities</li> </ul>

In addition, s. 409.1452, F.S., requires the DCF to work in collaboration with the Board of Governors, the Florida College System, and the Florida Department of Education to help address the need for a comprehensive support structure in the academic arena to assist children and

<sup>73</sup> Email from John Paul Fiore, Legislative Affairs Director, Florida Department of Children and Families, *Updated Info*, Jan. 20, 2022 (on file with the Senate Committee on Appropriations).

<sup>74</sup> *Id.*

<sup>75</sup> Chapter 2013-178, L.O.F.

young adults who have been or continue to remain in the foster care system in making the transition from a structured care system into an independent living setting. To accomplish this, campus coaching positions provide current and former foster children and young adults with dedicated, on-campus support.

The DCF determines which state universities or colleges offer a campus coaching position based on departmental demographic data indicating the greatest need.<sup>76</sup> The campus coaching positions are employees of the educational institutions. The Chancellors of the Florida College System and the Board of Governors must report annually to the DCF specific data, subject to privacy laws, about the children and young adults served by the campus coaches, including academic progress, retention rates for students enrolled in the program, financial aid requested and received, and information required by the National Youth in Transition Database.<sup>77</sup>

### ***Postsecondary Education Services and Supports***

Since the passage of the Foster Care Independence Act of 1999, federal law has encouraged states to create programs to support a continuum of services to youth aging out of foster care. As part of the Florida's Road-to-Independence program, the Postsecondary Education Services and Support (PESS) program provides eligible youth with financial assistance to complete postsecondary education.<sup>78</sup>

The DCF must advise the availability of PESS and must provide information on the criteria and application process for PESS to children and young adults leaving, or who were formerly in, foster care; their caregivers; case managers; guidance and family services counselors; principals or other relevant school administrators; and guardians ad litem.<sup>79</sup> The DCF or the CBC must annually determine whether a young adult meets the eligibility requirements for a renewal award for the subsequent year.<sup>80</sup> PESS services are terminated upon the child turning 23, or if the child no longer meets eligibility requirements.

Young adults in PESS drop out of postsecondary education due to limited support and financial hardship. The current amount received has not changed since 2013, and young adults have reported that the amount is inadequate to support housing and other necessities.<sup>81</sup> Some young adults reported that they must get jobs to make up the difference, which results in them falling behind in meeting the academic requirements to participate in PESS.<sup>82</sup>

Additionally, some young adults participate in PESS to receive the financial stipend but they do not have the skills necessary to succeed in postsecondary education and live independently.<sup>83</sup> Although some CBCs assist young adults in meeting skill deficits, there is no requirement for the young adult to receive an assessment and strengthen skill deficits prior to participation in PESS.

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<sup>76</sup> Section 409.1452, F.S.

<sup>77</sup> Section 409.1452, F.S.

<sup>78</sup> Section 409.1451(2), F.S.

<sup>79</sup> Section 409.1451(2)(d)1., F.S.

<sup>80</sup> Section 409.1451(2)(d)3., F.S.

<sup>81</sup> House Children, Families, and Seniors Subcommittee Questions, Answered by Florida Youth SHINE Youth and Young Adults (on file with the Senate Committee on Appropriations).

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

Young adults receive the financial stipend without knowing how to budget money appropriately to meet their financial needs. This could be the first time the young adult receives a significant amount of money, but there is no requirement in current law for the DCF or the CBCs to work with young adults on financial literacy.

In Fiscal Year 2019-2020, there were 809 young adults in PESS.<sup>84</sup>

### ***Transition Plans for Older Foster Youth***

During the year after the child reaches age 16 years, the DCF and CBC are required to collaborate with the caregiver and any other individuals that are identified by the child to assist him or her with creating a transition plan.<sup>85</sup> The transition plan must contain information on obtaining services, such as housing, education, and financial literacy, and must include tasks for establishing personal support services.<sup>86</sup> The transition plan must be updated as necessary before the child reaches 18 years of age and before each judicial review so long as the child or young adult remains in care.<sup>87</sup> However, young adults exit PESS without a transition plan to live independently and be self-sufficient. There is no requirement for the DCF or the CBCs to work with young adults prior to exiting PESS to develop a transition plan that details how the young adult will live independently and be self-sufficient without the financial stipend provided under PESS.

### ***Effect of the Bill (Sections 4, 6, and 7)***

#### **Postsecondary Education Services and Supports (Sections 4 and 6)**

The bill amends s. 39.6035, F.S., requiring the CBCs to continue to periodically meet with a young adult to develop, review, and if necessary, update transition plans for the youth even after reaching 18 years of age if the youth is receiving funding under the PESS program.

In developing the transition plan for these PESS youth, the CBC is required to provide information about independent living services and programs which is tailored to the individual needs and plans of the child, including, at a minimum, the specific benefits of each program and how such benefits meet the needs and plans of the child, the advantages and disadvantages of participation in each program considering the needs and plans of the child, and the financial value of each program to the child. The bill also requires the CBCs to discuss this information with the child, and the child must sign a document indicating that he or she:

- Received such information.
- Discussed such information with the CBC representative.
- Understands how such services and benefits would meet his or her individual needs.
- Understands how such services would assist him or her in accomplishing future plans.

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<sup>84</sup> Florida Department of Children and Families, Independent Living Services Annual Report (Jan. 31, 2021), available at [https://www.myflfamilies.com/service-programs/child-welfare/lmr/docs/2021LMRs/Independent\\_Living\\_Services\\_2020\\_Annual\\_Report.pdf](https://www.myflfamilies.com/service-programs/child-welfare/lmr/docs/2021LMRs/Independent_Living_Services_2020_Annual_Report.pdf) (last visited February 16, 2022).

<sup>85</sup> Section 39.6035(1), F.S.

<sup>86</sup> *Id.*

<sup>87</sup> Section 39.6035(1) and (3), F.S.

The bill amends s. 409.1451, F.S., increasing the monthly stipend awarded to young adults in PESS from \$1,256 to \$1,720 to assist young adults in meeting their needs while in postsecondary education.

The bill also requires the DCF or the CBCs to assess executive functioning, self-regulation, and similar skills that are important for successful completion of postsecondary education. The DCF or CBC must do this assessment prior to the young adult's enrollment in postsecondary education and must provide information and referral to the young adult as needed to assist him or her in strengthening necessary skills. The assessment must be included as part of the transition plan.

#### Campus Liaisons Program (Section 7)

The bill amends s. 409.1452, F.S., to require on-campus liaisons to provide children and young adults currently in or formerly in foster care or who are experiencing homelessness with on-campus support. The bill requires each institution where a student is exempt from the payment of tuition and fees under s. 1009.25, F.S., to have, at a minimum, a knowledgeable, accessible, and responsive staff member who can provide effective assistance to students using the exemption in resolving any problems related to use of the exemption. The bill allows postsecondary institutions to provide coaching services and other supports, in addition to liaisons, to such students to promote their successful completion of postsecondary education and transition to independent living.

The bill also requires postsecondary institutions to maintain the original documentation submitted regarding a child or young adult's involvement in the child welfare system that confers eligibility for the tuition and fee exemption. The bill prohibits the postsecondary institution from making additional requests for such documentation.

#### **Children's Initiatives (Section 11)**

##### ***Children's Initiatives in Florida***

In 2008, the Legislature created s. 409.147, F.S., which established children's initiatives. Florida children's initiatives assist disadvantaged areas within the state in creating a community-based service network that develops, coordinates, and provides quality education, accessible health care, youth development programs, opportunities for employment, and safe and affordable housing for children and families living within [their] boundaries.<sup>88</sup>

Section 409.147, F.S., outlines the process for a county or municipality (or designated area) to apply to the Ounce of Prevention Fund of Florida, Inc. (Ounce) to designate an area as a children's initiative. The governing body must first adopt a resolution finding the area has issues related to poverty, that changes are necessary for the area to improve, and that resources are necessary for revitalization of the area.<sup>89</sup> The county or municipality must then establish a children's initiative planning team and develop and adopt a strategic community plan.<sup>90</sup> Once a

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<sup>88</sup> Section 409.147(1)(b), F.S.

<sup>89</sup> Section 409.147(4)(a), F.S.

<sup>90</sup> Section 409.147(5), 409.147(6), F.S.

county or municipality has completed these steps, they must create a not-for-profit corporation to facilitate fundraising and secure broad community ownership of the children's initiative.<sup>91</sup>

There are five children's initiatives in Florida:<sup>92</sup>

- New Town Success Zone in Jacksonville;
- Miami Children's Initiative;
- Parramore Kidz Zone in Orlando;
- Sulphur Springs Neighborhood of Promise in Tampa; and
- Overtown Children and Youth Coalition in Miami.

### ***The Ounce of Prevention Fund of Florida***

The Ounce is a private, not-for-profit corporation dedicated to shaping prevention policy and investing in innovative prevention programs that provide measurable benefits to Florida's children, families, and communities.<sup>93</sup> The Ounce identifies, funds, supports, and tests innovative programs to improve the life outcomes of children, preserve and strengthen families, and promote healthy behavior and functioning in society.<sup>94</sup> The Legislature identifies the Ounce as the only organization able to designate areas in Florida as children's initiatives.<sup>95</sup>

### ***Effect of the Bill***

The bill amends s. 409.147, F.S., requiring children's initiatives to update strategic community plans every five years to reflect, at a minimum, the current status of the area served by the children's initiative, the goals, objectives, and strategies for each focus area, and the tasks required to implement the strategies the following year. The bill requires the Ounce to directly provide technical assistance to the corporations designated as a children's initiative to facilitate achievement of the strategic community plans.

The bill also sets requirements for children's initiatives to receive state funding. Unless otherwise specified in the general appropriations act, a children's initiative must be awarded state funding through a performance-based contract that links payments to achievement of outcomes directly related to the goals, objectives, strategies, and tasks outlines in the strategic community plan. It also sets priority for funding to go to children's initiatives being established in counties which do not currently have an initiative.

### **Child Support (Sections 12-14)**

#### ***Title IV-D Cases***

Title IV-D (IV-D) refers to Title IV, Part D of the Social Security Act, which is the federally funded, state administered child support enforcement program.<sup>96</sup> The IV-D program is administered by the federal Office of Child Support Enforcement (OCSE), within the United

<sup>91</sup> Section 409.147(7), F.S.

<sup>92</sup> The Ounce of Prevention Fund of Florida, *Children's Initiative Communities in Florida*, available at [https://ounce.org/fci\\_communities.html](https://ounce.org/fci_communities.html) (last visited February 16, 2022).

<sup>93</sup> The Ounce of Prevention Fund of Florida, *Home*, available at <https://www.ounce.org/> (last February 16, 2022).

<sup>94</sup> *Id.*

<sup>95</sup> Section 409.147(4), F.S.

<sup>96</sup> 42 U.S.C. ss. 651, et. seq.

States Department of Health and Human Services. The OCSE oversees the national child support program and partners with state and local child support agencies to encourage parental responsibility so that children receive financial, emotional, and medical support from both parents, even when they live in separate households.<sup>97</sup> The OCSE does not provide services directly to families, but helps state child support agencies develop, manage, and operate their child support programs effectively and according to federal law.<sup>98</sup>

As Florida's IV-D agency,<sup>99</sup> the Department of Revenue (DOR) is responsible for collecting and enforcing child support.<sup>100</sup> The Child Support Program provides child support services to over one million children and collects over a billion dollars in child support each year.<sup>101</sup> The Child Support Program works with parents, employers, financial institutions, the Internal Revenue Service, state and local agencies, and courts throughout the state to receive timely child support payments and also works with families and partners to:<sup>102</sup>

- Locate parents, employers, and assets;
- Establish paternity;
- Establish and modify child support orders;
- Collect and disburse child support payments; and
- Monitor and enforce child support orders.

Child support services are available even if a parent lives in another state or country. To receive the no-cost services from the Child Support Program, families either complete an application for services or are automatically referred because a parent is receiving cash or food assistance.<sup>103</sup>

The DOR offers child support services in all but two Florida counties, partnering with the State Attorney's Office for services in Miami-Dade County and the Manatee County Clerk of Court for services in Manatee County.

Other than contacting DOR directly, there is currently no accessible resource for obligors who are having difficulty paying child support due to economic hardship.

### ***Non-IV-D Cases***

A non-IV-D child support case is a case in which a court has determined that income withholding for support is required and neither the employee/obligor nor the custodial party/obligee has applied for, or is receiving, child support services through their state's IV-D agency.<sup>104</sup>

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<sup>97</sup> *Id.*

<sup>98</sup> U.S. Department of Health & Human Services, Office of Child Support Enforcement (OCSE), An Office of the Administration for Children & Families, *About the Office of Child Support Enforcement*, available at <https://www.acf.hhs.gov/css/about> (last visited February 16, 2022).

<sup>99</sup> Section 409.2557(1), F.S.

<sup>100</sup> *See* s. 61.13, F.S.

<sup>101</sup> Florida Department of Revenue (DOR), *Child Support Program: Overview 2019*, available at [https://floridarevenue.com/childsupport/Documents/pdf/CS-1003x\\_Child\\_Support\\_Overview\\_Presentation\\_External\\_2020\\_FFY\\_2018-19.pdf](https://floridarevenue.com/childsupport/Documents/pdf/CS-1003x_Child_Support_Overview_Presentation_External_2020_FFY_2018-19.pdf) (last visited February 16, 2022).

<sup>102</sup> *Id.* at 7.

<sup>103</sup> *Id.* at 5.

<sup>104</sup> Justia, *Non IV-D Orders*, available at <https://www.justia.com/dictionary/non-iv-d-orders/> (last visited February 17, 2022).

### ***Delinquent Child Support Payments***

When an obligor is delinquent in making required child support payments, the DOR may increase the amount of the monthly support obligation to include amounts for delinquencies.<sup>105</sup> If the obligor is not subject to income deductions, the DOR must notify the obligor of his or her delinquency and of the DOR's intent to require an additional 20 percent of the monthly obligation amount to allow for collection of the delinquency unless, within 20 days, the obligor pays the delinquency in full or files a petition with the circuit court to contest the delinquency status.<sup>106</sup>

Current law does not require the notification information to the obligor to include information on how the obligor can access services if the obligor is having trouble paying child support due to economic hardship.

### ***Non-Custodial Parent Employment Program***

The Non-Custodial Parent Employment Program (NCPEP) assists unemployed or underemployed noncustodial parents in establishing a pattern of regular child support payments by obtaining and maintaining employment.<sup>107</sup> The NCPEP currently serves families in Hernando, Hillsborough, Pasco, Pinellas, and Miami-Dade counties. Since 1996, the program has assisted 20,070 unduplicated clients impacting 52,182 children. In 2020-21, over 67 percent of NCPEP clients obtained and maintained employment.<sup>108</sup>

### **Effect of the Bill**

The bill amends s. 409.2557, F.S., requiring the DOR to establish on its website a dedicated webpage that provides information to obligors who have difficulty paying child support due to economic hardship, and provide a link to the webpage on the main child support page. The bill requires the webpage to be in plain language, and include, at a minimum, information on how an obligor can modify a child support order, information on how to access services from CareerSource Florida and organizations receiving grants that assist non-custodial parents meet child support obligations, and hyperlinks to the CareerSource Florida website.

The bill amends s. 409.2564, F.S., to require that notices provided to obligors related to delinquent child support payments be in writing and include information on how the obligor can access the above-mentioned webpage and other information related to how to access services through CareerSource Florida or other organizations receiving grants that assist non-custodial parents meet child support obligations.

Lastly, the bill creates s. 409.25996, F.S., requiring the Department of Economic Opportunity to award grants to organizations that assist non-custodial parents who are unemployed or

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<sup>105</sup> Section 409.2564(9)(a), F.S.

<sup>106</sup> Section 409.2564(9)(b), F.S.

<sup>107</sup> Gulf Coast Jewish Family and Community Services, Inc., *Children & Family Services*, available at <https://gulfcoastjewishfamilyandcommunityservices.org/children-family-service/> (last visited February 16, 2022).

<sup>108</sup> Gulf Coast Jewish Family and Community Services, Inc., *Non-Custodial Parent Employment Program: 2020-2021*, available at [https://gulfcoastjewishfamilyandcommunityservices.org/wp-content/uploads/2021/12/NCPEP\\_Results\\_Aug2021.pdf](https://gulfcoastjewishfamilyandcommunityservices.org/wp-content/uploads/2021/12/NCPEP_Results_Aug2021.pdf) (last visited February 16, 2022).

underemployed and have difficulty meeting child support obligations, become self-sufficient and establish a successful pattern of meeting child support payments.

### **Legislatively Mandated Reports (Sections 2, 16, and 17)**

Several statutes direct the DCF to submit reports on various topics to the Legislature. Such reports include:

- Section 39.205(7), F.S., requires the DCF to submit an annual report detailing the number of false reports referred to law enforcement for consideration of an investigation. This report has consistently indicated that the vast majority of hotline reports are made in good faith. In Fiscal Year 2019-2020, 0.18 percent of reports were suspected as being false. For the last five fiscal years, the percent of false reports have been below 0.30 percent, with a five-year average of 0.18 percent.
- Section 409.996(3), F.S. requires the DCF to annually conduct a comprehensive, multiyear review of the revenues, expenditures, and financial positions of CBCs. The report must cover the most recent two consecutive fiscal years. The review must include a comprehensive system-of-care analysis and all CBCs must develop and maintain a plan to achieve financial viability. The DCF's review and CBC plans must be submitted to the Governor and the Legislature by November 1 of each year. The DCF reconciles all CBC accounting for the prior fiscal year around September 30, which results in a limited time frame to prepare and finalize the required report.
- Section 409.997(3), F.S., requires the DCF to submit an annual Results Oriented Accountability performance report to the Governor and the Legislature by October 1 of each year. The report describes the current status of the community-based child welfare system of care. The report uses draft data from May and June for the fiscal year due to the current due date of the report being October 1 of each year. This does not allow inclusion of final annualized child welfare data for the fiscal year.

### **Effect of the Bill**

The bill amends several statutes to remove or adjust the due dates for mandated legislative reports. Specifically, the bill:

- Removes the statutory requirement for a report to be submitted to the Governor and the Legislature on false reporting of child abuse, abandonment, and neglect.
- Amends the due date of the report required in s. 409.996(3), F.S., by requiring it to be submitted on December 1 rather than November 1. This change will allow the DCF more time to reconcile all CBC accounting data for the prior fiscal year.
- Amends the due date of the report required in s. 409.997(3), F.S., by requiring it to be submitted on November 15 rather than October 1. This allows the inclusion of final annualized child welfare data for the fiscal year.

The bill is effective July 1, 2022.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.



B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

**Departments of Children and Families, Health, Juvenile Justice, and Economic Opportunity**

The bill conforms to the House proposed General Appropriations Act (GAA) for Fiscal Year 2022-2023. The House proposed GAA provides total recurring funding of \$63,899,851 in the General Revenue Fund to fund various provisions of the bill. The House proposed GAA includes the following appropriations attributable to the estimated costs of the bill:

- \$27,585,000 to the Department of Children and Families (DCF) to award grants that expand mentorship programs for at-risk boys, grants that address the comprehensive needs of fathers, grants specifically for evidence-based programs that provide parenting education for fathers, and for the Responsible Fatherhood Initiative.
- \$4,200,000 to the DCF to fund new or existing Children's Initiatives.
- \$8,352,000 to the DCF to increase financial assistance stipends for youth in the Post-Secondary Education Services Support (PESS) Program from \$1,256 to 1,720 per month.
- \$2,855,376 to the DCF for the community-based care lead agencies (CBCs) to add father engagement specialists and expand services to fathers of at-risk children.
- \$5,710,752 to the DCF for the CBCs to conduct readiness assessments and provide support to youth in the PESS Program.

- \$4,420,000 to the Department of Health to integrate fatherhood programs into home visiting programs.
- \$3,726,723 to the Department of Juvenile Justice (DJJ) to expand vocational and education services for at-risk youth. Although HB 7065 was amended to direct this responsibility to the DCF instead of the DJJ, this change was not reflected in the funding authorized in the House proposed GAA.
- \$7,050,000 to the Department of Economic Opportunity to award grants to entities to provide Noncustodial Parent Employment Programs statewide.

#### **Department of Revenue (DOR)**

The bill has an indeterminate insignificant fiscal impact on the DOR to implement the provisions related to requiring written notification to delinquent obligors and the creation of a website to provide information to obligors having difficulty making child support payments. However, the department should be able to absorb the costs within existing resources.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 39.205, 39.4022, 39.6035, 383.011, 409.1451, 409.1452, 409.147, 409.2557, 409.2564, 409.988, 409.996, 409.997, and 683.334

This bill creates the following sections of the Florida Statutes 39.0143, 409.1464, 409.1465, 409.1467, and 409.25996

#### **IX. Additional Information:**

##### **A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

##### **B. Amendments:**

None.

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2022

1 A bill to be entitled  
2 An act relating to child welfare; creating s. 39.0143,  
3 F.S.; requiring the Department of Children and  
4 Families and Department of Juvenile Justice to  
5 identify and meet the needs of dually-involved  
6 children within a specified timeframe; requiring a  
7 quarterly report with specified information to the  
8 Legislature; amending s. 39.205, F.S.; removing the  
9 requirement of a specified report; amending s.  
10 39.4022, F.S.; requiring a representative from the  
11 Department of Juvenile Justice to be invited to a  
12 multidisciplinary team staffing under certain  
13 circumstances; amending s. 39.6035, F.S.; revising  
14 information that must be included in a transition  
15 plan; requiring the child to sign a specified  
16 document; requiring the Department of Children and  
17 Families or a community-based care lead agency to  
18 review and, if necessary, update a young adult's  
19 transition plan after his or her 18th birthday under  
20 certain circumstances; making technical changes;  
21 amending s. 383.011, F.S.; requiring prenatal and  
22 infant health care delivery programs to include  
23 certain father engagement activities; amending s.  
24 409.1451, F.S.; increasing the monthly stipend for  
25 postsecondary education services and supports;

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26 requiring the Department of Children and Families, or  
27 an agency under contract with the department, to  
28 conduct a specified assessment and provide certain  
29 information and referrals to certain young adults;  
30 requiring such assessment be included in the young  
31 adult's transition plan; requiring the department, or  
32 an agency under contract with the department, to work  
33 with young adults to create, review, and update  
34 certain plans; requiring a financial plan be included  
35 in the young adult's transition plan; requiring a  
36 transition plan to include certain information;  
37 amending s. 409.1452, F.S.; requiring the Department  
38 of Children and Families to collaborate with specified  
39 entities for a certain purpose; requiring liaisons and  
40 coaching services to provide specified assistance for  
41 certain students at certain school district programs,  
42 Florida College System institutions, or state  
43 universities; providing requirements for such  
44 liaisons; requiring a liaison's contact information to  
45 be used in certain ways; requiring certain school  
46 district programs, Florida College System  
47 institutions, and state universities to maintain  
48 certain documentation; requiring certain entities to  
49 report certain information annually to the Department  
50 of Children and Families; conforming provisions to

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51 changes made by the act; removing obsolete language;  
52 creating s. 409.1464, F.S.; requiring the Department  
53 of Children and Families to contract for the  
54 development and implementation of the Responsible  
55 Fatherhood Initiative; providing initiative  
56 requirements; providing requirements for the entity  
57 contracting with the Department of Children and  
58 Families to implement the initiative; requiring  
59 certain collaboration to implement the initiative;  
60 creating 409.1465, F.S.; providing legislative intent;  
61 requiring the Department of Children and Families to  
62 award specified grants to not-for-profit community-  
63 based organizations to address the needs of fathers;  
64 requiring the department to prioritize grant  
65 applicants in a specified manner; specifying the time  
66 period for which a grant may be awarded; requiring  
67 grant recipients to submit certain reports;  
68 authorizing the Department of Children and Families to  
69 adopt rules; creating s. 409.1467, F.S.; requiring the  
70 Department of Children and Families to provide grants  
71 to community-based not-for-profit organizations to  
72 offer certain mentorship programs; providing grant  
73 requirements; providing grant eligibility  
74 requirements; providing requirements for grant  
75 recipients; requiring the department to prioritize

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76 grant applicants in a specified manner; providing the  
77 amounts and duration of the grants; requiring grant  
78 recipients to submit specified reports to the  
79 department; requiring the department to contract for  
80 the provision of technical assistance and certain  
81 training; requiring grant recipients to complete such  
82 training within a specified time; amending s. 409.147,  
83 F.S.; requiring children's initiatives to update  
84 strategic community plans to include certain  
85 information; requiring the Ounce of Prevention to  
86 provide technical assistance to the children's  
87 initiative corporations; providing requirements for  
88 children's initiatives to receive state funding;  
89 amending s. 409.2557, F.S.; requiring the Department  
90 of Revenue to establish a webpage that contains  
91 certain information; amending s. 409.2564, F.S.;  
92 requiring Department of Revenue to provide certain  
93 written notification to delinquent obligors; requiring  
94 the written notification to include certain  
95 information; creating s. 409.25996, F.S.; requiring  
96 the Department of Economic Opportunity to award grants  
97 to organizations that assist noncustodial parents in  
98 meeting their child support obligations; amending s.  
99 409.988, F.S.; requiring lead agencies to address  
100 certain needs of fathers served by the lead agency;

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101 requiring lead agencies to conduct an assessment,  
 102 create an action plan, employ certain specialists, and  
 103 prioritize certain individuals for specified purposes;  
 104 requiring the Department of Children and Families to  
 105 annually review lead agencies; amending ss. 409.996  
 106 and 409.997, F.S.; revising when specified reports  
 107 must be submitted to the Governor and Legislature;  
 108 creating s. 683.334, F.S.; designating the month of  
 109 June as "Responsible Fatherhood Month"; providing an  
 110 effective date.

111  
 112 Be It Enacted by the Legislature of the State of Florida:

113  
 114 Section 1. Section 39.0143, Florida Statutes, is created  
 115 to read:

116 39.0143 Dually-involved children.—Beginning in fiscal year  
 117 2022-2023 through fiscal year 2023-2024, the department and the  
 118 Department of Juvenile Justice shall identify children who are  
 119 dually involved with both systems of care. The department and  
 120 the Department of Juvenile Justice shall collaboratively take  
 121 appropriate action within available resources to meet the needs  
 122 of dually-involved children more effectively, and shall jointly  
 123 submit to the Legislature a quarterly report that includes, at a  
 124 minimum:

125 (1) Data on the number of children who are dually involved

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126 with both systems of care. Such children include, but are not  
 127 limited to, those who are the subject of any proceeding under  
 128 this chapter and, at the same time, are under the supervision of  
 129 the Department of Juvenile Justice under chapter 985, and those  
 130 children who were previously served by either the department or  
 131 the Department of Juvenile Justice and come to the attention of  
 132 either agency after being served.

133 (2) Data on the number of children who are placed in  
 134 licensed care after leaving the custody of the Department of  
 135 Juvenile Justice.

136 (3) Information on how both departments track children who  
 137 are or become dually involved.

138 (4) A summary of the actions taken by both departments to  
 139 better serve dually-involved children.

140 Section 2. Subsection (7) of section 39.205, Florida  
 141 Statutes, is amended to read:

142 39.205 Penalties relating to reporting of child abuse,  
 143 abandonment, or neglect.—

144 (7) The department shall establish procedures for  
 145 determining whether a false report of child abuse, abandonment,  
 146 or neglect has been made and for submitting all identifying  
 147 information relating to such a report to the appropriate law  
 148 enforcement agency ~~and shall report annually to the Legislature~~  
 149 ~~the number of reports referred.~~

150 Section 3. Paragraph (a) of subsection (4) of section

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151 39.4022, Florida Statutes, is amended to read:  
 152 39.4022 Multidisciplinary teams; staffings; assessments;  
 153 report.—  
 154 (4) PARTICIPANTS.—  
 155 (a) Collaboration among diverse individuals who are part  
 156 of the child's network is necessary to make the most informed  
 157 decisions possible for the child. A diverse team is preferable  
 158 to ensure that the necessary combination of technical skills,  
 159 cultural knowledge, community resources, and personal  
 160 relationships is developed and maintained for the child and  
 161 family. The participants necessary to achieve an appropriately  
 162 diverse team for a child may vary by child and may include  
 163 extended family, friends, neighbors, coaches, clergy, coworkers,  
 164 or others the family identifies as potential sources of support.  
 165 1. Each multidisciplinary team staffing must invite the  
 166 following members:  
 167 a. The child, unless he or she is not of an age or  
 168 capacity to participate in the team;  
 169 b. The child's family members and other individuals  
 170 identified by the family as being important to the child,  
 171 provided that a parent who has a no contact order or injunction,  
 172 is alleged to have sexually abused the child, or is subject to a  
 173 termination of parental rights may not participate;  
 174 c. The current caregiver, provided the caregiver is not a  
 175 parent who meets the criteria of one of the exceptions under

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176 sub-subparagraph b.;  
 177 d. A representative from the department other than the  
 178 Children's Legal Services attorney, when the department is  
 179 directly involved in the goal identified by the staffing;  
 180 e. A representative from the community-based care lead  
 181 agency, when the lead agency is directly involved in the goal  
 182 identified by the staffing; and  
 183 f. The case manager for the child, or his or her case  
 184 manager supervisor.  
 185 g. A representative from the Department of Juvenile  
 186 Justice if the child is dually involved with both the department  
 187 and the Department of Juvenile Justice.  
 188 2. The multidisciplinary team must make reasonable efforts  
 189 to have all mandatory invitees attend. However, the  
 190 multidisciplinary team staffing may not be delayed if the  
 191 invitees in subparagraph 1. fail to attend after being provided  
 192 reasonable opportunities.  
 193 Section 4. Section 39.6035, Florida Statutes, is amended  
 194 to read:  
 195 39.6035 Transition plan.—  
 196 (1) During the year after a child reaches 16 years of age,  
 197 the department and the community-based care lead agency  
 198 ~~provider~~, in collaboration with the caregiver and any other  
 199 individual whom the child would like to include, shall assist  
 200 the child in developing a transition plan. The required

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201 transition plan is in addition to standard case management  
 202 requirements. The transition plan must address specific options  
 203 for the child to use in obtaining services, including housing,  
 204 health insurance, education, financial literacy, a driver  
 205 license, and workforce support and employment services. The plan  
 206 must also include tasks to establish and maintain naturally  
 207 occurring mentoring relationships and other personal support  
 208 services. The transition plan may be as detailed as the child  
 209 chooses. This plan ~~must~~ shall be updated as needed before the  
 210 child reaches 18 years of age and after the child reaches 18  
 211 years of age if he or she is receiving funding under s.  
 212 409.1451(2). In developing and updating the transition plan, the  
 213 department and the community-based care lead agency shall:  
 214 (a) Provide the child with the documentation required  
 215 under s. 39.701(3).  
 216 (b) Coordinate the transition plan with the independent  
 217 living provisions in the case plan and, for a child with  
 218 disabilities, the Individuals with Disabilities Education Act  
 219 transition plan.  
 220 (c) Provide information for the financial literacy  
 221 curriculum for youth offered by the Department of Financial  
 222 Services.  
 223 (d) Provide information about independent living services  
 224 and programs which is tailored to the individual needs and plans  
 225 of the child, including, at a minimum, the specific benefits of

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226 each program and how such benefits meet the needs and plans of  
 227 the child, the advantages and disadvantages of participation in  
 228 each program considering the needs and plans of the child, and  
 229 the financial value of each program to the child. The community-  
 230 based care lead agency shall discuss this information with the  
 231 child, and the child must sign a document indicating that he or  
 232 she:  
 233 1. Received such information.  
 234 2. Discussed such information with the community-based  
 235 care lead agency representative.  
 236 3. Understands how such services and benefits would meet  
 237 his or her individual needs.  
 238 4. Understands how such services would assist him or her  
 239 in accomplishing future plans.  
 240 (2) The department and the child shall schedule a time,  
 241 date, and place for a meeting to assist the child in drafting  
 242 the transition plan. The time, date, and place must be  
 243 convenient for the child and any individual whom the child would  
 244 like to include. This meeting ~~must~~ shall be conducted in the  
 245 child's primary language.  
 246 (3) The transition plan shall be reviewed periodically  
 247 with the child, the department, and other individuals of the  
 248 child's choice and updated when necessary before each judicial  
 249 review so long as the child or young adult remains in care.  
 250 (4) The transition plan must be approved by the court

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251 before the child's 18th birthday and must be attached to the  
 252 case plan and updated before each judicial review.  
 253 (5) The department or community-based care lead agency  
 254 shall continue to periodically meet with a young adult to review  
 255 and, if necessary, update the transition plan beyond his or her  
 256 18th birthday if the young adult receives funding under s.  
 257 409.1451(2).  
 258 Section 5. Paragraph (d) of subsection (1) of section  
 259 383.011, Florida Statutes, is amended to read:  
 260 383.011 Administration of maternal and child health  
 261 programs.—  
 262 (1) The Department of Health is designated as the state  
 263 agency for:  
 264 (d) Administering and providing for prenatal and infant  
 265 health care delivery services through county health departments  
 266 or subcontractors for the provision of the following enhanced  
 267 services for medically and socially high-risk clients, subject  
 268 to the availability of moneys and the limitations established by  
 269 the General Appropriations Act or chapter 216:  
 270 1. Case finding or outreach.  
 271 2. Assessment of health, social, environmental, and  
 272 behavioral risk factors.  
 273 3. Case management utilizing a service delivery plan.  
 274 4. Home visiting to support the delivery of and  
 275 participation in prenatal and infant primary health care

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276 services.  
 277 5. Childbirth and parenting education, including  
 278 encouragement of breastfeeding.  
 279 6. Father engagement activities, such as providing  
 280 individualized support to fathers to increase participation in  
 281 services that strengthen family and child well-being.  
 282 Section 6. Paragraph (d) of subsection (2) of section  
 283 409.1451, Florida Statutes, is redesignated as paragraph (e),  
 284 paragraph (b) and present paragraph (d) of that subsection are  
 285 amended, and a new paragraph (d) is added to that subsection, to  
 286 read:  
 287 409.1451 The Road-to-Independence Program.—  
 288 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—  
 289 (b) The amount of the financial assistance shall be as  
 290 follows:  
 291 1. For a young adult who does not remain in foster care  
 292 and is attending a postsecondary school as provided in s.  
 293 1009.533, the amount is \$1,720 ~~\$1,256~~ monthly.  
 294 2. For a young adult who remains in foster care, is  
 295 attending a postsecondary school, as provided in s. 1009.533,  
 296 and continues to reside in a licensed foster home, the amount is  
 297 the established room and board rate for foster parents. This  
 298 takes the place of the payment provided for in s. 409.145(3).  
 299 3. For a young adult who remains in foster care, but  
 300 temporarily resides away from a licensed foster home for

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301 purposes of attending a postsecondary school as provided in s.  
 302 1009.533, the amount is \$1,720 ~~\$1,256~~ monthly. This takes the  
 303 place of the payment provided for in s. 409.145(3).

304 4. For a young adult who remains in foster care, is  
 305 attending a postsecondary school as provided in s. 1009.533, and  
 306 continues to reside in a licensed group home, the amount is  
 307 negotiated between the community-based care lead agency and the  
 308 licensed group home provider.

309 5. For a young adult who remains in foster care, but  
 310 temporarily resides away from a licensed group home for purposes  
 311 of attending a postsecondary school as provided in s. 1009.533,  
 312 the amount is \$1,720 ~~\$1,256~~ monthly. This takes the place of a  
 313 negotiated room and board rate.

314 6. A young adult is eligible to receive financial  
 315 assistance during the months when he or she is enrolled in a  
 316 postsecondary educational institution.

317 (d) Before a young adult receives funding under this  
 318 subsection, the department, or an agency under contract with the  
 319 department, shall assess the young adult's financial literacy  
 320 and executive functioning, self-regulation, and similar skills  
 321 that are important for successful independent living and the  
 322 completion of postsecondary education. The assessment must be  
 323 included as part of the transition plan required under s.  
 324 39.6035. Within a reasonable time after completing the  
 325 assessment, the department, or an agency under contract with the

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326 department, must provide information and referrals for any  
 327 voluntary services that are recommended by the assessment to the  
 328 young adult to assist in strengthening any necessary skills.

329 (e)1. (d)1. The department must advertise the availability  
 330 of the stipend and must provide notification of the criteria and  
 331 application procedures for the stipend to children and young  
 332 adults leaving, or who were formerly in, foster care;  
 333 caregivers; case managers; guidance and family services  
 334 counselors; principals or other relevant school administrators;  
 335 and guardians ad litem.

336 2. If the award recipient transfers from one eligible  
 337 institution to another and continues to meet eligibility  
 338 requirements, the award shall be transferred with the recipient.

339 3. The department, or an agency under contract with the  
 340 department, shall evaluate each Road-to-Independence award for  
 341 renewal eligibility on an annual basis. In order to be eligible  
 342 for a renewal award for the subsequent year, the young adult  
 343 must:

344 a. Be enrolled for or have completed the number of hours,  
 345 or the equivalent, to be considered a full-time student under  
 346 subparagraph (a)4., unless the young adult qualifies for an  
 347 exception under subparagraph (a)4.

348 b. Maintain standards of academic progress as defined by  
 349 the education institution, except that if the young adult's  
 350 progress is insufficient to renew the award at any time during

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351 the eligibility period, the young adult may continue to be  
 352 enrolled for additional terms while attempting to restore  
 353 eligibility as long as progress towards the required level is  
 354 maintained.

355 4. Funds may be terminated during the interim between an  
 356 award and the evaluation for a renewal award if the department,  
 357 or an agency under contract with the department, determines that  
 358 the award recipient is no longer enrolled in an educational  
 359 institution as described in subparagraph (a)4. or is no longer a  
 360 resident of this state.

361 5. The department, or an agency under contract with the  
 362 department, shall notify a recipient who is terminated and  
 363 inform the recipient of his or her right to appeal.

364 6. An award recipient who does not qualify for a renewal  
 365 award or who chooses not to renew the award may apply for  
 366 reinstatement. An application for reinstatement must be made  
 367 before the young adult reaches 23 years of age. In order to be  
 368 eligible for reinstatement, the young adult must meet the  
 369 eligibility criteria and the criteria for award renewal for the  
 370 program.

371 7. The department, or an agency under contract with the  
 372 department, shall work with the young adult to create a  
 373 financial plan that is guided by the young adult's financial  
 374 goals in meeting his or her needs while in postsecondary  
 375 education. The financial plan must be included in the transition

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376 plan required under s. 39.6035. The department, or an agency  
 377 under contract with the department, shall review and, if  
 378 necessary, update the financial plan with the young adult every  
 379 6 months until funding under this subsection is no longer  
 380 provided.

381 8. The department, or an agency under contract with the  
 382 department, shall review with the young adult the transition  
 383 plan required under s. 39.6035 during the year before the young  
 384 adult graduates from postsecondary education or the year before  
 385 the young adult reaches 23 years of age, whichever occurs first.  
 386 The transition plan must include an assessment of the young  
 387 adult's current and future needs and challenges for self-  
 388 sufficiency and address, at a minimum, how the young adult will  
 389 meet his or her financial needs and obligations when funding  
 390 under this subsection is no longer provided.

391 Section 7. Section 409.1452, Florida Statutes, is amended  
 392 to read:

393 409.1452 Collaboration with State University System ~~Board~~  
 394 ~~of Governors~~, Florida College System, and Department of  
 395 Education to assist children and young adults who have been or  
 396 are in foster care or are experiencing homelessness;  
 397 documentation regarding eligibility for tuition and fee  
 398 exemptions.-The department shall collaborate with the State  
 399 University System, the Florida College System, and the  
 400 Department of Education to address the need for a comprehensive

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401 support structure in the academic arena to assist children and  
 402 young adults who have been or remain in the foster care system  
 403 in making the transition from a structured care system into an  
 404 independent living setting.

405 (1)(a) Each school district program, Florida College  
 406 System institution, or state university at which a student is  
 407 exempt from the payment of tuition and fees under s. 1009.25  
 408 must have, at a minimum, a knowledgeable, accessible, and  
 409 responsive employee who acts as a liaison and provides  
 410 assistance to those students who are exempt from the payment of  
 411 tuition and fees to assist in resolving any problems related to  
 412 such exemption. The liaisons shall provide such students with  
 413 on-campus support and must be employees of the program,  
 414 institution, or university. The name and contact information of  
 415 the liaison must be:

416 1. Provided to each student who is exempt from the payment  
 417 of tuition and fees and who is attending that program,  
 418 institution, or university.

419 2. Published on the website of the program, institution,  
 420 or university.

421 3. Provided to the Department of Children and Families and  
 422 each community-based care lead agency.

423 (b) Each school district program, Florida College System  
 424 institution, and state university must maintain the original  
 425 documentation submitted by the student regarding his or her

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426 eligibility for the tuition and fee exemption under s. 1009.25  
 427 and may not make additional requests for such documentation.

428 (2) A school district program, Florida College System  
 429 institution, or state university may also provide campus  
 430 coaching services and other support to a student who is exempt  
 431 from the payment of tuition and fees under s. 1009.25 to promote  
 432 his or her successful completion of postsecondary education and  
 433 transition to independent living. ~~Effective July 1, 2013, the~~  
 434 ~~Department of Children and Families shall work in collaboration~~  
 435 ~~with the Board of Governors, the Florida College System, and the~~  
 436 ~~Department of Education to help address the need for a~~  
 437 ~~comprehensive support structure in the academic arena to assist~~  
 438 ~~children and young adults who have been or continue to remain in~~  
 439 ~~the foster care system in making the transition from a~~  
 440 ~~structured care system into an independent living setting. The~~  
 441 ~~State University System of Florida and the Florida College~~  
 442 ~~System shall provide postsecondary educational campus coaching~~  
 443 ~~positions that will be integrated into Florida College System~~  
 444 ~~institutions' and university institutions' general support~~  
 445 ~~services structure to provide current and former foster care~~  
 446 ~~children and young adults with dedicated, on-campus support. The~~  
 447 ~~Department of Children and Families has the sole discretion to~~  
 448 ~~determine which state college or university will offer a campus~~  
 449 ~~coaching position, based on departmental demographic data~~  
 450 ~~indicating greatest need. These campus coaching positions shall~~

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451 ~~be employees of the selected educational institutions, focused~~  
 452 ~~on supporting children and young adults who have been or~~  
 453 ~~continue to remain in the foster care system.~~

454 (3) The Chancellors of the Division of Career and Adult  
 455 Education, the Florida College System, and the State University  
 456 System Board of Governors shall report annually to the  
 457 Department of Children and Families specific data, subject to  
 458 privacy laws, about the students ~~children and young adults~~  
 459 served by the campus liaisons ~~coaches~~, including academic  
 460 progress, retention rates for students enrolled in the program,  
 461 financial aid requested and received, and information required  
 462 by the National Youth in Transition Database.

463 Section 8. Section 409.1464, Florida Statutes, is created  
 464 to read:

465 409.1464 Responsible Fatherhood Initiative.-

466 (1) The department shall contract for the development and  
 467 implementation of the Responsible Fatherhood Initiative. The  
 468 initiative must provide an opportunity for every father in the  
 469 state to be able to obtain information and inspiration that will  
 470 motivate and enable him to enhance his abilities as a father,  
 471 recognizing that some fathers have greater challenges than  
 472 others and would benefit from greater support.

473 (2) The initiative must, at a minimum:

474 (a) Include a website and other related electronic  
 475 resources that will allow a father to obtain information about

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476 effective parenting, identify areas in which support would  
 477 enable him to enhance his ability to be an effective father, and  
 478 be connected to such support, including but not limited to,  
 479 support provided by organizations receiving grants under s.  
 480 409.1465.

481 (b) Use appropriate materials from the fatherhood media  
 482 campaign available through the National Responsible Fatherhood  
 483 Clearinghouse.

484 (c) Include print, television, digital, and social media  
 485 elements and public events, and may include appearances by and  
 486 involvement from public figures and influencers.

487 (3)(a) The entity with which the department contracts for  
 488 the Responsible Fatherhood Initiative must be a not-for-profit  
 489 organization that:

490 1. Has a history of focusing on responsible fatherhood,  
 491 including providing online resources to fathers, and engaging  
 492 fathers, father figures, and children through community-based  
 493 and school-based events to encourage responsible fatherhood.

494 2. Has the organizational capacity to manage a statewide  
 495 initiative and successfully carry out the requirements of this  
 496 section.

497 (b) The entity must collaborate with other relevant  
 498 agencies of state government and private organizations to  
 499 develop and implement the initiative. Such agencies of state  
 500 government must collaborate with the entity with which the

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501 department contracts to carry out the initiative.  
 502 Section 9. Section 409.1465, Florida Statutes, is created  
 503 to read:  
 504 409.1465 Grants to address the needs of fathers.—  
 505 (1) The Legislature recognizes that families are stronger  
 506 when both parents act responsibly in caring for their children.  
 507 It is the intent of the Legislature to recognize and support the  
 508 important and unique role that fathers play in ensuring the  
 509 physical, emotional, and economic well-being of their children  
 510 and families.  
 511 (2) The department shall award grants to not-for-profit  
 512 community-based organizations to address the needs of fathers.  
 513 The department shall award the following types of grants:  
 514 (a) Grants that comprehensively address the needs of  
 515 fathers, such as assisting them in finding employment, managing  
 516 child support obligations, transitioning from a period of  
 517 incarceration, accessing health care, understanding child  
 518 development, and enhancing parenting skills. Services provided  
 519 must be tailored to the needs of the father being served. Case  
 520 management services must be provided by the grant recipient,  
 521 either directly or by subcontract, to the fathers who are served  
 522 by the grants under this paragraph. If the father receiving case  
 523 management services through a grant awarded under this paragraph  
 524 has a child receiving case management services from a community-  
 525 based care lead agency because the child is the subject of a

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526 dependency proceeding under chapter 39, the case management  
 527 services may be coordinated.  
 528 (b) Grants that provide evidence-based parenting education  
 529 specifically for fathers. The grants under this paragraph do not  
 530 require case management services.  
 531 (3) The department shall prioritize applicants for a grant  
 532 specified under subsection (2) based on:  
 533 (a) Need in a geographic area and the population to be  
 534 served by the grant as indicated by, at a minimum:  
 535 1. Unemployment rates.  
 536 2. Incarceration rates.  
 537 3. Housing instability.  
 538 4. The number of single-parent households.  
 539 5. The number of public benefit recipients.  
 540 6. Graduation rates.  
 541 7. Levels of academic achievement.  
 542 (b) If an applicant has a primary mission of, or a history  
 543 of a significant focus on and effective work towards, addressing  
 544 the needs of men in their role as fathers.  
 545 (c) Applicant current and historical involvement in the  
 546 community being served.  
 547 (d) Applicant commitment and capability to employ  
 548 competent staff who can effectively engage with the fathers  
 549 being served, including at a minimum, those individuals who  
 550 share a similar background as the fathers being served.

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551 (e) The number of individuals the applicant plans to serve  
 552 through the grant and the projected costs for the program.

553 (f) Applicant organizational capacity to effectively meet  
 554 the requirements of the grant and to deliver the programs  
 555 proposed by the applicant. The department may offer technical  
 556 assistance to applicants and grant recipients that have lower  
 557 organizational capacity as long as such organizations have, or  
 558 the organization's leadership has, significant experience  
 559 serving fathers.

560 (4) Grants shall be awarded for no more than 3 years, with  
 561 subsequent year funding contingent on compliance with grant  
 562 requirements and adequate performance. Grant recipients must  
 563 submit reports to the department in a format and at intervals,  
 564 which must be at least annually, prescribed by the department.

565 (5) The department may adopt rules to implement this  
 566 section.

567 Section 10. Section 409.1467, Florida Statutes, is created  
 568 to read:

569 409.1467 Mentorship for at-risk male students.—

570 (1) The department must award grants to community-based  
 571 not-for-profit organizations incorporated under chapter 617 to  
 572 offer mentorship programs for at-risk male students. These  
 573 grants must:

574 (a) Assist at-risk male students who are in middle school  
 575 or high school in developing social, emotional, and cognitive

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576 skills to prepare them for future success.

577 (b) Provide an opportunity for small not-for-profit  
 578 organizations to receive training and technical assistance that  
 579 will strengthen their capacity to provide high-quality,  
 580 effective services and obtain additional nonstate funding in the  
 581 future.

582 (2) A community-based not-for-profit organization must  
 583 have organizational management and a board of directors  
 584 reflective of the community served by the organization in order  
 585 to be eligible to receive a grant under this section.

586 (3) Grant recipients must:

587 (a) Recruit and train mentors for eligible at-risk male  
 588 students.

589 (b) Provide mentorship, social and academic support, life  
 590 skill development, and other opportunities for eligible at-risk  
 591 male students.

592 (c) Use trauma-informed practices and interventions to  
 593 address adverse childhood experiences of eligible at-risk male  
 594 students.

595 (d) Be inclusive of eligible at-risk male students who  
 596 have a disability.

597 (4) Prioritization of applicants for a grant must, at a  
 598 minimum, be based on:

599 (a) Unemployment rates; incarceration rates; housing  
 600 instability; the number of single-parent households; the number

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601 of public benefit recipients; graduation rates; and levels of  
 602 academic achievement in the geographic area in which mentorship  
 603 services would be provided.

604 (b) The number of at-risk male students that the applicant  
 605 plans to serve through the grant and the projected costs for the  
 606 new or expanded mentorship program.

607 (c) The applicant's current revenues and organizational  
 608 capacity, experience and demonstrated effectiveness in serving  
 609 at-risk male students or providing mentorship programs, and  
 610 commitment to organizational development through the training  
 611 required under subsection (7) in order to achieve the goal  
 612 specified in paragraph (1)(b).

613 (5) The department may award grants that are between  
 614 \$25,000 and \$250,000 per year and the grants may be awarded to a  
 615 community-based not-for-profit organization for no more than 3  
 616 years, contingent on continued eligibility, compliance with  
 617 grant requirements, and adequate performance. The department  
 618 shall create categories of grants based on the annual revenues  
 619 of the community-based not-for-profit organizations that are  
 620 applying in order to maximize the opportunities for small not-  
 621 for-profit organizations to receive grants.

622 (6) Grant recipients must submit reports to the department  
 623 in a format and at intervals prescribed by the department. At a  
 624 minimum, grant recipients must report on the number of at-risk  
 625 male students served and their ages, the number of mentors

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626 providing mentorship services, and the outcomes of the at-risk  
 627 students served, including, but not limited to, improved  
 628 academic success, decreased involvement in the juvenile justice  
 629 system, and enhanced readiness for and involvement in  
 630 postsecondary education, as appropriate.

631 (7) The department shall contract for the provision of  
 632 technical assistance and training in nonprofit management,  
 633 outcomes measurement, and positive youth development for grant  
 634 recipients. Within 6 months after receiving a grant, a grant  
 635 recipient must complete such training as required by the  
 636 department in order to achieve the goal specified in paragraph  
 637 (1)(b). The contracted provider shall determine the specific  
 638 training needed by grant recipients and directly provide or  
 639 subcontract for such training and technical assistance.

640 Section 11. Subsections (8) through (13) of section  
 641 409.147, Florida Statutes, are renumbered as subsections (9)  
 642 through (14), respectively, subsection (7) is amended, and a new  
 643 subsection (8) is added to that section, to read:

644 409.147 Children's initiatives.—

645 (7) CHILDREN'S INITIATIVE CORPORATION.—

646 (a) After the governing body adopts the resolution  
 647 described in subsection (4), establishes the planning team as  
 648 provided in subsection (5), and develops and adopts the  
 649 strategic community plan as provided in subsection (6), the  
 650 county or municipality shall create a corporation not for profit

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651 which shall be registered, incorporated, organized, and operated  
 652 in compliance with chapter 617. The purpose of the corporation  
 653 is to facilitate fundraising, to secure broad community  
 654 ownership of the children's initiative, and, if the area  
 655 selected by the governing body is designated as a children's  
 656 initiative, to:

657 1. ~~(a)~~ Begin to transfer responsibility for planning from  
 658 the planning team to the corporation.

659 2. ~~(b)~~ Begin the implementation and governance of the  
 660 children's initiative community plan.

661 3. Update the strategic community plan every 5 years to  
 662 reflect, at a minimum, the current status of the area served by  
 663 the children's initiative; the goals, objectives, and strategies  
 664 for each focus area; and the tasks required to implement the  
 665 strategies for the upcoming year.

666 (b) The Ounce of Prevention must provide technical  
 667 assistance to the corporation to facilitate achievement of the  
 668 plans created under subsection (6).

669 (8) REQUIREMENTS FOR RECEIVING STATE FUNDING.—Unless  
 670 otherwise specified in the general appropriations act:

671 (a) State funding for children's initiatives must be  
 672 awarded through a performance-based contract that links payments  
 673 to achievement of outcomes directly related to the goals,  
 674 objectives, strategies, and tasks outlined in the strategic  
 675 community plan.

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676 (b) Counties that do not currently have a children's  
 677 initiative and are trying to establish an initiative have  
 678 priority for funding available under this subsection.

679 Section 12. Subsection (4) is added to section 409.2557,  
 680 Florida Statutes, to read:

681 409.2557 State agency for administering child support  
 682 enforcement program.—

683 (4) The department shall establish on its website a  
 684 dedicated webpage that provides information to obligors who have  
 685 difficulty paying child support due to economic hardship. There  
 686 must be a link to such webpage on the main child support  
 687 webpage. The webpage must be in plain language and include, at a  
 688 minimum, information on how an obligor can modify a child  
 689 support order, information on how to access services from  
 690 CareerSource Florida and the organizations awarded grants under  
 691 s. 409.25996, and a link to the website for CareerSource  
 692 Florida.

693 Section 13. Subsection (9) of section 409.2564, Florida  
 694 Statutes, is amended to read:

695 409.2564 Actions for support.—

696 (9)(a) For the purpose of securing delinquent support, the  
 697 department may increase the amount of the monthly support  
 698 obligation to include amounts for delinquencies, subject to such  
 699 conditions or limitations as set forth in paragraph (b).

700 (b) In support obligations not subject to income

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701 deduction, the department shall notify the obligor in writing of  
 702 his or her delinquency and of the department's intent to require  
 703 an additional 20 percent of the monthly obligation amount to  
 704 allow for collection of the delinquency unless, within 20 days,  
 705 the obligor~~+~~

706 ~~1+~~ pays the delinquency in full~~+~~ or  
 707 ~~2+~~ files a petition with the circuit court to contest the  
 708 delinquency action.

709 (c) All written notices provided to an obligor regarding  
 710 delinquent support must include information on how the obligor  
 711 can access the webpage required under s. 409.2557(4) and how to  
 712 access services through CareerSource Florida and the  
 713 organizations that are awarded grants under s. 409.25996.

714 Section 14. Section 409.25996, Florida Statutes, is  
 715 created to read:

716 409.25996 Organizations that assist noncustodial parents.—  
 717 The Department of Economic Opportunity shall award grants to  
 718 organizations that assist noncustodial parents who are  
 719 unemployed or underemployed and have difficulty meeting child  
 720 support obligations to become self-sufficient and establish a  
 721 successful pattern of paying child support obligations.

722 Section 15. Paragraph (n) is added to subsection (1) of  
 723 section 409.988, Florida Statutes, is to read:

724 409.988 Community-based care lead agency duties; general  
 725 provisions.—

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726 (1) DUTIES.—A lead agency:

727 (n) Shall ensure that it is addressing the unique needs of  
 728 the fathers of children who are served by the lead agency.

729 1. The lead agency shall:

730 a. Conduct an initial assessment of its engagement with  
 731 such fathers and provision of and referral to father-oriented  
 732 services.

733 b. Create an action plan to address any gaps identified  
 734 through the assessment and implement the action plan.

735 c. Employ a father-engagement specialist to, at a minimum,  
 736 build relationships with fathers, help identify their needs,  
 737 assist them in accessing services, and communicate with the lead  
 738 agency about the challenges faced by these fathers and how to  
 739 appropriately meet their unique needs. The lead agency shall  
 740 prioritize individuals who have faced experiences similar to the  
 741 fathers who are being served by the lead agency for selection as  
 742 a father-engagement specialist.

743 2. The department shall annually review how the lead  
 744 agency is meeting the needs of fathers, including, at a minimum,  
 745 how the lead agency is helping fathers establish positive,  
 746 stable relationships with their children and assisting fathers  
 747 in receiving needed services. The lead agency shall provide any  
 748 relevant information on how it is meeting the needs of these  
 749 fathers to the department, which must be included in the report  
 750 required under s. 409.997.

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751 Section 16. Subsection (3) of section 409.996, Florida  
 752 Statutes, is amended to read:  
 753 409.996 Duties of the Department of Children and  
 754 Families.—The department shall contract for the delivery,  
 755 administration, or management of care for children in the child  
 756 protection and child welfare system. In doing so, the department  
 757 retains responsibility for the quality of contracted services  
 758 and programs and shall ensure that, at a minimum, services are  
 759 delivered in accordance with applicable federal and state  
 760 statutes and regulations and the performance standards and  
 761 metrics specified in the strategic plan created under s.  
 762 20.19(1).  
 763 (3) The department shall annually conduct a comprehensive,  
 764 multiyear review of the revenues, expenditures, and financial  
 765 position of all community-based care lead agencies which must  
 766 cover the most recent 2 consecutive fiscal years. The review  
 767 must include a comprehensive system-of-care analysis. All  
 768 community-based care lead agencies must develop and maintain a  
 769 plan to achieve financial viability. The department's review and  
 770 the agency's plan shall be submitted to the Governor, the  
 771 President of the Senate, and the Speaker of the House of  
 772 Representatives by December 1 ~~November 1~~ of each year.  
 773 Section 17. Paragraph (g) of subsection (2) of section  
 774 409.997, Florida Statutes, is amended to read:  
 775 409.997 Child welfare results-oriented accountability

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776 program.—  
 777 (2) The purpose of the results-oriented accountability  
 778 program is to monitor and measure the use of resources, the  
 779 quality and amount of services provided, and child and family  
 780 outcomes. The program includes data analysis, research review,  
 781 and evaluation. The program shall produce an assessment of  
 782 individual entities' performance, as well as the performance of  
 783 groups of entities working together on a local, judicial  
 784 circuit, regional, and statewide basis to provide an integrated  
 785 system of care. Data analyzed and communicated through the  
 786 accountability program shall inform the department's development  
 787 and maintenance of an inclusive, interactive, and evidence-  
 788 supported program of quality improvement which promotes  
 789 individual skill building as well as organizational learning.  
 790 The department may use data generated by the program regarding  
 791 performance drivers, process improvements, short-term and long-  
 792 term outcomes, and quality improvement efforts to determine  
 793 contract compliance and as the basis for payment of performance  
 794 incentives if funds for such payments are made available through  
 795 the General Appropriations Act. The information compiled and  
 796 utilized in the accountability program must incorporate, at a  
 797 minimum:  
 798 (g) An annual performance report that is provided to  
 799 interested parties including the dependency judge or judges in  
 800 the community-based care service area. The report shall be

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801 submitted to the Governor, the President of the Senate, and the  
802 Speaker of the House of Representatives by November 15 ~~October 1~~  
803 of each year.

804 Section 18. Section 683.334, Florida Statutes, is created  
805 to read:

806 683.334 Responsible Fatherhood Month.—

807 (1) The Legislature designates the month of June as  
808 "Responsible Fatherhood Month" to recognize the importance of  
809 fathers in their children's lives, how fathers contribute to  
810 their children's safety and stability, and the direct link  
811 between positive father involvement and child well-being.

812 (2) The Department of Children and Families, the  
813 Department of Health, local governments, and other agencies are  
814 encouraged to sponsor events to promote awareness of responsible  
815 fatherhood engagement and the contributions fathers make in the  
816 lives of their children.

817 Section 19. This act shall take effect July 1, 2022.



**EVERY BABY DESERVES A HEALTHY START**



## ABOUT US

The Florida Association of Healthy Start Coalitions develops and supports local systems of care to optimize the health of moms, babies and families. The Association is made up of 32 individual coalitions from across the state. Each coalition uses data and research to design a service delivery plan unique to their community. Together, we unite to have a collective impact toward better outcomes for Florida's families.



## ABOUT US

- Collectively, we:
- Mobilize public and private partners on our common mission
- Leverage millions of dollars to improve programs and services for families
- Align efforts with the Florida legislature to keep them informed of the needs of its residents and the importance of our mission
- Serve as a resource for National maternal and child health initiatives for dissemination to our thousands of partners
- Conduct assessments of best practices and trends to transfer knowledge among our members and our constituents

[illegible]

- 



Florida's Healthy Start is celebrating our 30<sup>th</sup> birthday!

## Organizational Overview

Florida Association of  
Healthy Start Coalitions,  
Inc. (FAHSC)  
**Parent** Company

Healthy Start MomCare  
Network, Inc. (HSMN)  
**Subsidiary ASO** formed  
by statute

- **FAHSC**

- 32 Member Board
- Program Development
- Advocacy
- Public and Community Relations
- Best Practices
- Grant writing

- **HSMN**

- 8 Member Board
- Formed by statute to administer the AHCA contract for Medicaid funding
- Staffing
- Case Management and Reporting System
- Allocation Methodology
- Medicaid Billing
- Finance and Accounting
- Contracts and Grants Management
- Quality Assurance
- Continuous Quality Improvement
- Training
- Technical Assistance





# FAHSC Programs

1. Florida Maternal Infant and Early Childhood Home Visiting (MIECHV)
2. Early Childhood Comprehensive Systems (ECCS)
3. Other Programs
  - DCF Child Abuse Prevention and Treatment Act (CAPTA)
  - Nurse Family Partnership
  - Moving Beyond Depression
4. **Florida's Healthy Start**



HRSA contracts with FAHSC to administer  
MIECHV funding for evidence-based home  
visiting programs:

Nurse  
Family  
Partnership

Healthy  
Families

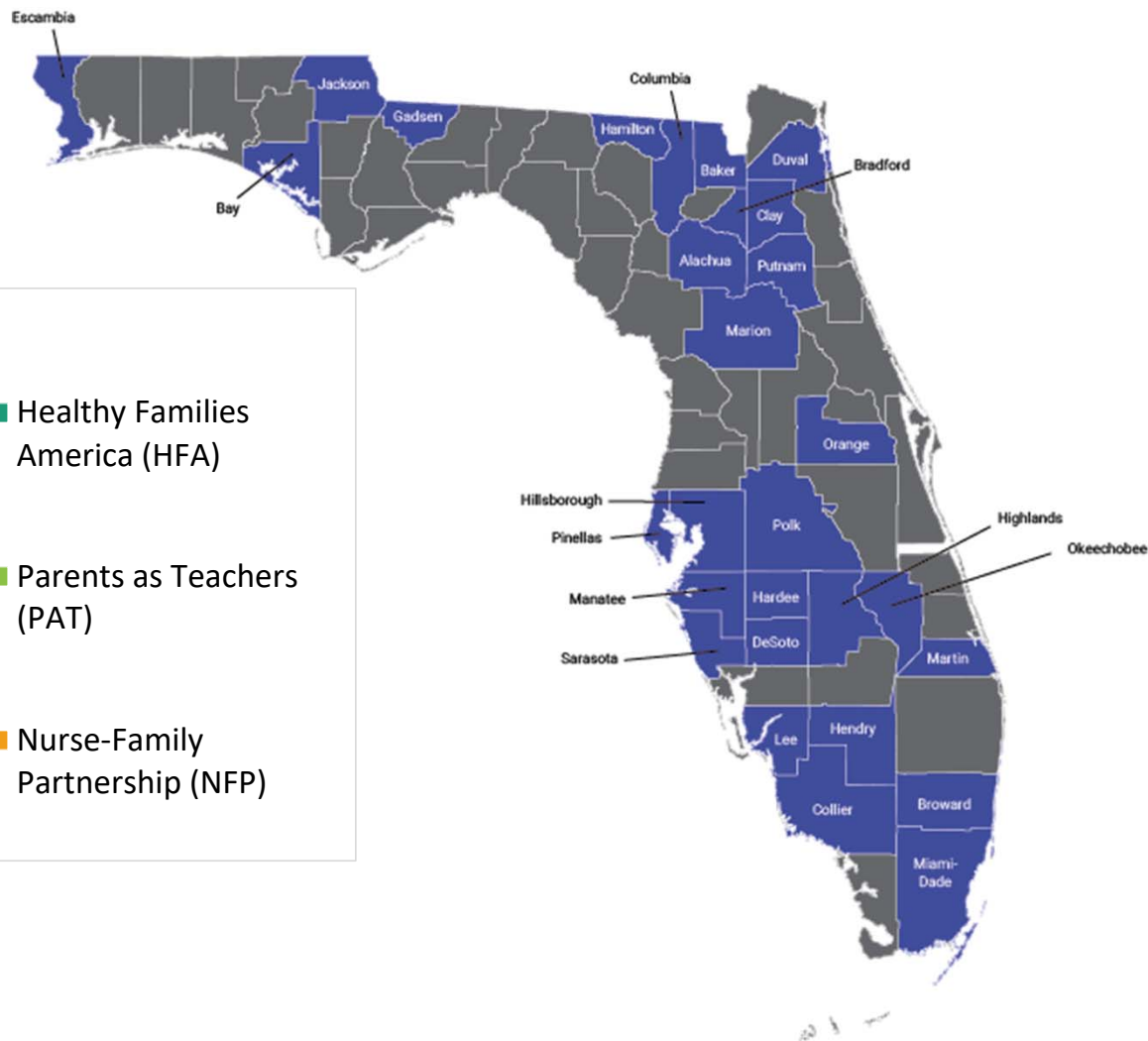
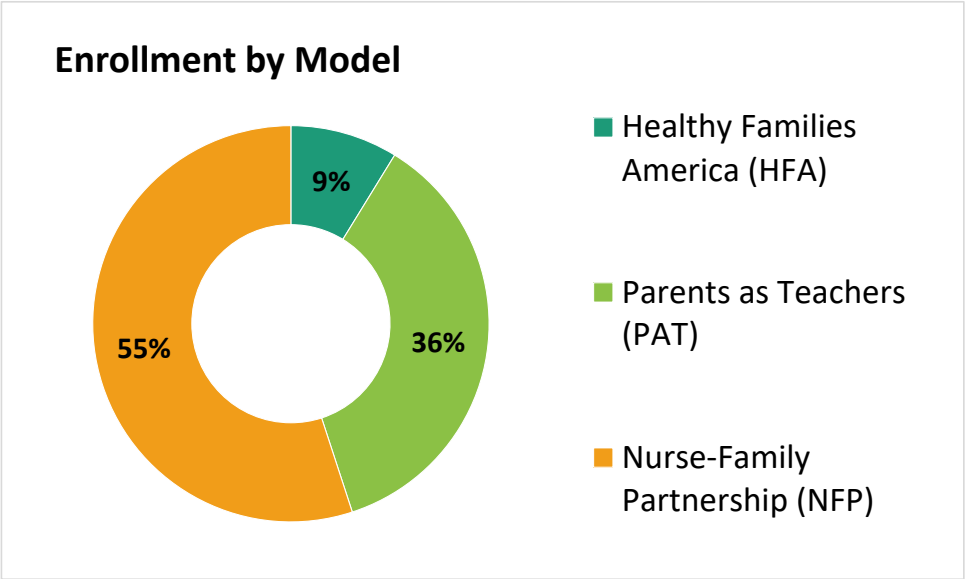
Parents As  
Teachers



FAHSC contracts with 15 providers for these  
programs

Maternal Infant  
Early Childhood  
Home  
Visiting  
  
(MIECHV)

**FL MIECHV served  
2,790 families in  
FFY 2019-20**



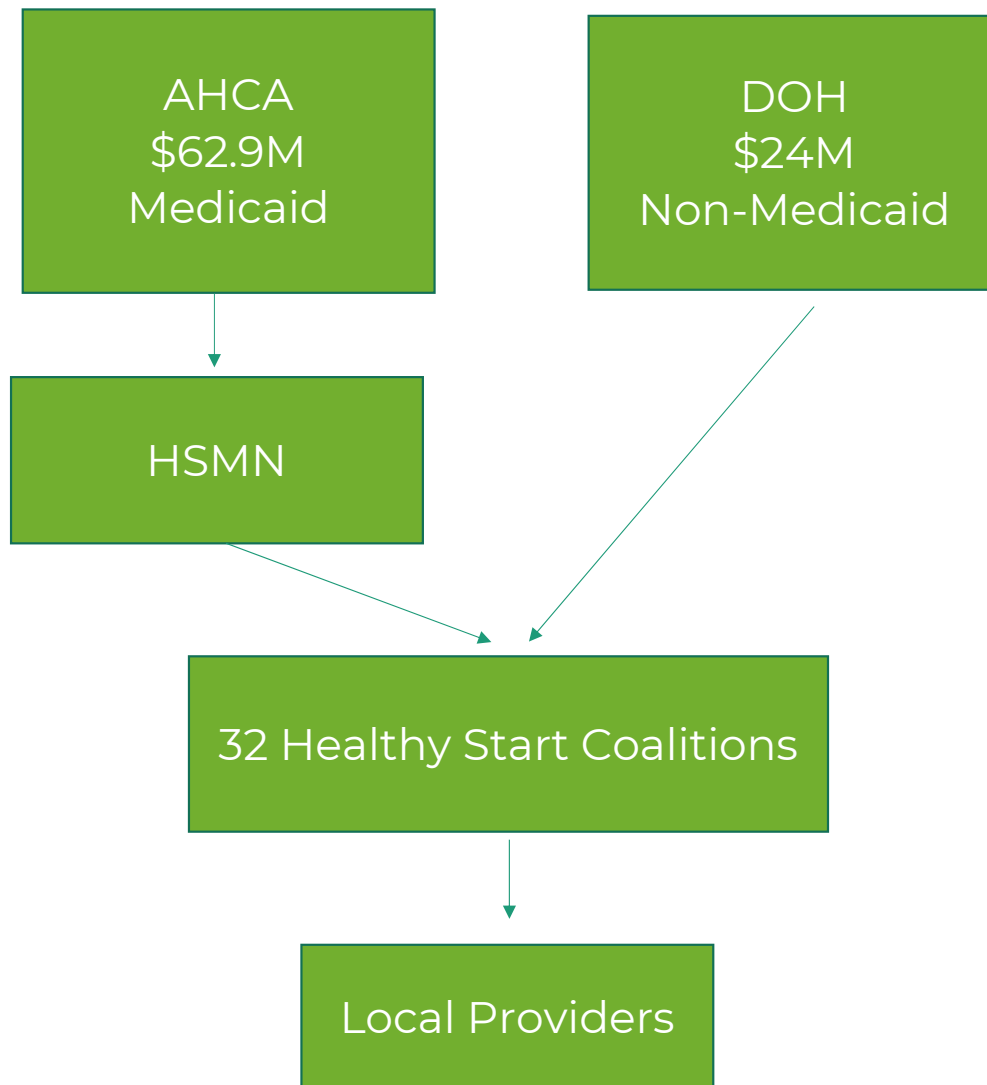


Improving children's developmental health and family well-being in Florida by building on existing early childhood initiatives and strengthening state and community systems and coordination

- HRSA contracts with FAHSC to administer Florida's ECCS program.

# Additional FAHSC Programs

- **CAPTA**
  - DCF contracts with FAHSC for evidence based, nurse home visiting for pregnant women and families with newborns exposed to drugs.
  - FAHSC contracts with four Coalitions.
- **Nurse Family Partnership (NFP)**
  - DOH and the NFP National Service Office contract with FAHSC for NFP home visiting.
  - FAHSC contracts with four Coalitions.
- **Moving Beyond Depression**
  - DOH Contracts with FAHSC for training.
- **Florida Perinatal Quality Collaborative**
  - FAHSC and Coalitions partner on outreach and education for families and medical providers.



## Florida's Healthy Start Program Funding and Contract Structure



# HEALTHY START COALITIONS

Collectively, we:

- **Mobilize** public and private partners on our common mission
- **Leverage** millions of dollars to improve programs and services for families
- **Align efforts** with the Florida legislature to keep them informed of the needs of its residents and the importance of our mission
- **Serve as a resource** for national maternal and child health initiatives for dissemination to our thousands of partners
- **Conduct assessments** of best practices and trends to **transfer knowledge** among our members and our constituents





**MATERNAL  
HEALTH /  
PREMATURITY**

**Healthy Start  
Interconception  
Care**

**Show Your Love  
CDC Pre/Interconception Care**



## HEALTHY START INTERCONCEPTION CARE MODEL

### TARGET PARTICIPANTS:

One Key Question™

“Would you like to become pregnant in the next year?”

3rd Trimester or at Enrollment



**YES**

**Show Your Love  
Checklist/  
Life Plan  
Baby-to-Be**

**OK** EITHER  
WAY

**Show Your Love  
Checklist/Life Plan  
Baby-to-Be**  
*(Include education on  
importance of baby spacing  
& family planning)*

**NO**

**Show Your Love  
Checklist/  
Life Plan  
Healthy Woman**

**UNSURE**

**Show Your Love  
Checklist/  
Life Plan  
Healthy Woman**

Education includes the importance of well woman health, Family Planning Waiver, contraception options including LARC, development of a life plan.

# Finding pregnant women and babies at-risk

Florida's Universal Risk Screen  
Healthy Start's Community Liaisons

**Help your baby have a healthy start in life!**

Please answer the following questions to find out if anything in your life could affect your health or your baby's health. Your answers are confidential. You may qualify for free services from the Healthy Start Program of the Healthy Families Program, no matter what your income level is! (Please complete in ink.)

**Today's Date:** \_\_\_\_\_

1. Have you graduated from high school or received a GED? ☐ Yes ☐ No

2. Are you married now? ☐ Yes ☐ No

3. Are there any children at home younger than 5 years old? ☐ Yes ☐ No

4. Are there any children at home with medical or special needs? ☐ Yes ☐ No

5. Is this a good time for you to be pregnant? ☐ Yes ☐ No

6. In the last month, have you felt down, depressed or hopeless? ☐ Yes ☐ No

7. In the last month, have you felt alone when facing problems? ☐ Yes ☐ No

8. Have you ever received mental health services or counseling? ☐ Yes ☐ No

9. In the last year, has someone you know tried to hurt you or threaten you? ☐ Yes ☐ No

10. Do you have trouble paying your bills? ☐ Yes ☐ No

11. What race are you? Check one or more.  
☐ White ☐ Black ☐ Other

12. In the last month, how many alcoholic drinks did you have per week? ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12 ☐ 13 ☐ 14 ☐ 15 ☐ 16 ☐ 17 ☐ 18 ☐ 19 ☐ 20 ☐ 21 ☐ 22 ☐ 23 ☐ 24 ☐ 25 ☐ 26 ☐ 27 ☐ 28 ☐ 29 ☐ 30 ☐ 31 ☐ 32 ☐ 33 ☐ 34 ☐ 35 ☐ 36 ☐ 37 ☐ 38 ☐ 39 ☐ 40 ☐ 41 ☐ 42 ☐ 43 ☐ 44 ☐ 45 ☐ 46 ☐ 47 ☐ 48 ☐ 49 ☐ 50 ☐ 51 ☐ 52 ☐ 53 ☐ 54 ☐ 55 ☐ 56 ☐ 57 ☐ 58 ☐ 59 ☐ 60 ☐ 61 ☐ 62 ☐ 63 ☐ 64 ☐ 65 ☐ 66 ☐ 67 ☐ 68 ☐ 69 ☐ 70 ☐ 71 ☐ 72 ☐ 73 ☐ 74 ☐ 75 ☐ 76 ☐ 77 ☐ 78 ☐ 79 ☐ 80 ☐ 81 ☐ 82 ☐ 83 ☐ 84 ☐ 85 ☐ 86 ☐ 87 ☐ 88 ☐ 89 ☐ 90 ☐ 91 ☐ 92 ☐ 93 ☐ 94 ☐ 95 ☐ 96 ☐ 97 ☐ 98 ☐ 99 ☐ 100

13. In the last month, how many cigarettes did you smoke a day? (A pack has 20 cigarettes)  
☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12 ☐ 13 ☐ 14 ☐ 15 ☐ 16 ☐ 17 ☐ 18 ☐ 19 ☐ 20 ☐ 21 ☐ 22 ☐ 23 ☐ 24 ☐ 25 ☐ 26 ☐ 27 ☐ 28 ☐ 29 ☐ 30 ☐ 31 ☐ 32 ☐ 33 ☐ 34 ☐ 35 ☐ 36 ☐ 37 ☐ 38 ☐ 39 ☐ 40 ☐ 41 ☐ 42 ☐ 43 ☐ 44 ☐ 45 ☐ 46 ☐ 47 ☐ 48 ☐ 49 ☐ 50 ☐ 51 ☐ 52 ☐ 53 ☐ 54 ☐ 55 ☐ 56 ☐ 57 ☐ 58 ☐ 59 ☐ 60 ☐ 61 ☐ 62 ☐ 63 ☐ 64 ☐ 65 ☐ 66 ☐ 67 ☐ 68 ☐ 69 ☐ 70 ☐ 71 ☐ 72 ☐ 73 ☐ 74 ☐ 75 ☐ 76 ☐ 77 ☐ 78 ☐ 79 ☐ 80 ☐ 81 ☐ 82 ☐ 83 ☐ 84 ☐ 85 ☐ 86 ☐ 87 ☐ 88 ☐ 89 ☐ 90 ☐ 91 ☐ 92 ☐ 93 ☐ 94 ☐ 95 ☐ 96 ☐ 97 ☐ 98 ☐ 99 ☐ 100

14. Thinking back to just before you got pregnant, did you want to be...  
☐ Pregnant now ☐ Pregnant later ☐ Not pregnant

15. Is this your first pregnancy?  
☐ Yes ☐ No If no, give date your last pregnancy ended: \_\_\_\_\_

16. Please mark any of the following that have happened.  
☐ Had a baby born 3 weeks or more before due date  
☐ Had a baby born 3 weeks or more after due date  
☐ Had a baby born weighing less than 5 pounds, 8 ounces  
☐ None of the above

Name: First \_\_\_\_\_ Last \_\_\_\_\_  
Street address (apartment complex name/number): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #1: \_\_\_\_\_ Phone #2: \_\_\_\_\_  
Best time to contact me: \_\_\_\_\_  
Social Security Number: \_\_\_\_\_  
Date of Birth (mo/day/yr): \_\_\_\_\_ 17. Age: \_\_\_\_\_  
Date: \_\_\_\_\_

Pre-natal Care covered by: ☐ Private Insurance ☐ Medicaid ☐ No Insurance ☐ Other \_\_\_\_\_  
I authorize the exchange of my health information between the Healthy Start Program, Healthy Start Providers, Healthy Start Coalitions, Healthy Families Florida, NCI, Florida Department of Health, and my health care providers for the purposes of providing services, paying for services, improving quality of services or program eligibility. This authorization remains in effect until revoked in writing by me.  
Patient Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Please Initial: \_\_\_\_\_  
\* If you do not want to participate in the screening process, please complete the patient information section only and sign below:  
LAP (mo/day/yr): \_\_\_\_\_ ESD (mo/day/yr): \_\_\_\_\_  
Signature: \_\_\_\_\_ Provider's ID: \_\_\_\_\_  
Provider's Name: \_\_\_\_\_ Provider's County: \_\_\_\_\_  
Provider's Phone Number: \_\_\_\_\_  
Healthy Start Screening Score: \_\_\_\_\_  
Check One: ☐ Referred to Healthy Start, if score < 6, specify: \_\_\_\_\_  
Provider's Signature and Title: \_\_\_\_\_



# Connecting families to services

**Coordinated Intake and Referral** reduces duplication between home visiting programs, provides family choice of home visiting program and connects to additional community supports and health plans.

Prenatal & Infant Risk Screens  
Community & Health Plan  
Referrals

 Coordinated Intake  
and Referral



Parents as Teachers®





# Connect

Coordinated Intake and Referral

## Review

- Review the mother's risk factors

## Connect

- Connect with prenatal medical care & WIC

## Address

- Address barriers to accessing care

## Assess

- Assess social determinants of health and other needs and connect with community resources

## Enroll

- Encourage enrollment in a home visiting program

## Inform

- Inform of resources available through the health plan if the mother does not want home visiting





**MATERNAL  
CARE**

**Healthy Start  
Home Visiting /  
Face-to-Face  
Services**

**Providing Relationship-Based  
Education and Support**

# Prenatal Home Visiting / Face to Face Services

## Month 1 Example



- Maternal and child health
- Nutrition, Diet, Vitamins (PHB)
- Importance of Prenatal Care - Prenatal Visits
- Physical Changes
- Medications During Pregnancy
- Managing Stress - How Stress Affects My Unborn Baby
- Sexually Transmitted Diseases Can Hurt Your Baby
- Importance of Positive Thinking

# Prenatal Home Visiting / Face to Face Services

**Month 1** Example, continued



## **Baby's Development**

- Fetal development – how is my baby developing
- Learning begins before birth

## **Family Development**

- Life Goals - (PHB) Small Steps Lead to Big Dreams
- Circle of Support
- Importance of Father involvement
- Financial Needs - Budgeting

# Prenatal Home Visiting / Face to Face Services

**Month 1** Example, continued



## **Screening, Referral, Education and Intervention**

- Substance abuse risk profile
- Intimate partner violence
- Tobacco screening





INFANT  
HEALTH

**Healthy Start  
Home Visiting /  
Face-to-Face  
Services**

**Providing Relationship-Based  
Education and Support**

## INFANT HOME VISITING / FACE TO FACE SERVICES MONTH 1 EXAMPLE

### Mother's Needs

- Physical Changes, Discomforts, Warning Signs
- Perinatal Depression
- Diet and Exercise
- Sex and Sexually Transmitted Diseases
- Family Planning Choices
- Health Care
- Why it's Best to Wait for the Next Pregnancy
- Emotional Changes
- Postpartum Visit
- Family Planning Waiver
- Contraceptives
- Primary Care Provider



# Infant Home Visiting / Face to Face Services

**Month 1** Example, continued



## **Baby's Development**

- Bonding and Attachment - The Power of Touch, Talk, Sing, Read
- Responding to Baby's Cues
- Infant Development
- Brain Development
- Watch Me Grow - 1st Month

# Infant Home Visiting / Face to Face Services

**Month 1** Example, continued



## **Family Development**

- Empowerment
- Relationship and Support - Father and Family
- Planning and Problem Solving
- Career Development and Finances - Child Support
- Social Determinants of Health
- Public Assistance, Community Resources

# Infant Home Visiting / Face to Face Services

**Month 1** Example, continued

## **Caring**

- Nutrition- Breastfeeding Support, Bottle Feeding
- Daily Care Routines, Common Concerns
- Health Care - Immunizations and Well Baby Visit
- Safe Baby - Safe Sleep, Soothing a Crying Baby, Selection of a Safe Caregiver
- Home Safety
- Car Safety
- Child Care





# Infant Home Visiting / Face to Face Services

**Month 1** Example, continued

## **Screening, Referral, Education and Intervention**

- Substance abuse risk
- Perinatal depression
- Introduction to developmental screening for the baby
- Intimate Partner violence



# Additional Statewide Infant Mortality Initiatives

## Social Determinants of Health

## Needs Assessments

## Service Delivery Plans

- **Safe sleep** education in the community.
- Donations for **Pack n Plays** for families that do not have a separate bed for their baby.
- Donations for **baby supplies**.
- **Plans of Safe Care** partnerships for substance exposed mothers and infants.
- **Outreach/education** events in the community to address health inequities.
- **Local projects**



## SERVICES AND OUTCOMES

### SERVICES CY 2020

#### Prenatal Risk Screen

Total referrals 118,371

58% received a CIR intake (68,648) others unable to locate

52% were closed after the intake (ie, did not want home visiting services)

#### Healthy Start Home Visiting

41,000 were referred to Healthy Start home visiting (59,000 total)

72% were connected (30,000)

75% were enrolled (22,600)

#### OUTCOMES for those who received the home visiting model as designed\*

2.89 infant mortality rate

90% full term birth

87% postpartum visit completion

82% initiated breastfeeding

84% quit or reduced tobacco use

100% screened for depression

*\* Model is defined as a pregnant woman enrolled in home visiting before 28 weeks gestation and completed at least six home visits.*







**Thank you**  
for partnering with Florida's  
Healthy Start to prevent  
infant mortality so more  
babies can celebrate their  
first birthday

**From:** [Cathy Timuta](#)  
**To:** [Woodruff, Taylor](#)  
**Cc:** [Brian Jogerst](#); [ExecAssistant](#)  
**Subject:** RE: Call re: Healthy Start Coalitions/Home Visiting Programs  
**Date:** Monday, January 31, 2022 1:49:10 PM  
**Attachments:** [Copy of List of Home Visiting Programs in Florida-Master.xlsx](#)

---

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Taylor,

In following up on our meeting last Friday, I have attached a recent inventory of home visiting programs that serve young children 0-5 years of age. We are waiting for two more Coalition responses, but I wanted to send you what we have so far. Jennifer Anderson, Executive Assistant, will forward you the final spreadsheet when the remaining two responses come in.

Thank you again for the opportunity to meet with you last week.

Best regards,  
Cathy

-----Original Appointment-----

From: Woodruff, Taylor <Taylor.Woodruff@myfloridahouse.gov>  
Sent: Thursday, January 27, 2022 3:39 PM  
To: Woodruff, Taylor; Cathy Timuta; Brian Jogerst  
Subject: FW: Call re: Healthy Start Coalitions/Home Visiting Programs  
When: Friday, January 28, 2022 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).  
Where: Conf. Call: 1-888-585-9008; 654-533-613

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

From: Woodruff, Taylor <Taylor.Woodruff@myfloridahouse.gov>  
Sent: Thursday, 27 January 2022 20:09:22 UTC  
To: Woodruff, Taylor; Brian Jogerst  
Subject: Call re: Healthy Start Coalitions/Home Visiting Programs  
When: Friday, January 28, 2022 3:30 PM-4:00 PM.  
Where: Conf. Call: 1-888-585-9008; 654-533-613

# Home Visiting Programs in Florida Serving 0-5 years of age

Compiled by the Florida Association of Healthy Start Coalitions

Rev. 1-31-22

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A All County

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Baker	A	A	A			
Bay	A					
Bradford	A	A	A	A		
Brevard	A	A	A			A
Broward	A	A	A	A		
Calhoun	A		A			
Charlotte	A		A			A
Citrus	A	A (CAPTA)	A			NFP
Clay	A		A			
Collier	A	P	P			
Columbia	A		A	A		
DeSoto	A					
Dixie	A	A (CAPTA)	A			NFP
Duval	A	P	P		P	A
Escambia	A		A			
Flagler	A					
Franklin	A					
Gadsden	A	A	A		A	
Gilchrist	A	A (CAPTA)	A			NFP
Glades	A		P			
Gulf	A					
Hamilton	A		A	A		
Hardee	A		A	A		
Hendry	A	P	P			
Hernando	A	A (CAPTA)	A			NFP
Highlands	A	A	A			
Hillsborough	A	P	A	A	P	A
Holmes	A		A			
Indian River	A	A	A	A		
Jackson	A	A	A			
Jefferson	A		A			



ocal programs as needed:

Early Head Start	HIPPY	EIP	Care Coordination Program	Growing Strong Families	Newborn Home Visitation	B.R.A.I.N. (BUILDING READINESS AMONG INFANTS NOW)	Treasure Coast Early Steps (Easterseals Florida)
				A			
A							
	A						
	A	A					

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# An Update on the "Cycle of Violence," Research in Brief

**NCJ Number:** 184894

**Author(s):** Cathy S. Widom; Michael G. Maxfield

**Date Published:** March 2001

**Length:** 8 pages

**Publication Series:** [NIJ Research in Brief](#)

## Annotation

This paper presents the updated results of a longitudinal study that compared the arrest records of abused and/or neglected children with arrest records for nonabused or maltreated children.

## Abstract

Subjects included 908 substantiated cases of childhood abuse or neglect processed by the courts from 1967 through 1971 and matched by gender, age, race, and approximate family socioeconomic status with a comparison group of 667 children not officially recorded as abused or neglected. Initial results were obtained in 1988, when the average age of subjects was 26 years. Those findings showed that childhood abuse and neglect increased the odds of future delinquency and adult criminality overall by 29 percent. The updated results discussed in this paper are based on additional arrest data collected in 1994. Findings showed that being abused or neglected as a child increased the likelihood of arrest as a juvenile by 59 percent, as an adult by 28 percent, and for a violent crime by 30 percent. Maltreated children were younger at the time of their first arrest, committed nearly twice as many offenses, and were arrested more often. Physically abused and neglected (versus sexually abused) children were the most likely to be arrested later for a violent crime. In contrast to earlier research

findings, the new results indicate that abused and neglected females were also at increased risk of arrest for violence as juveniles and adults. White abused and neglected children were no more likely to be arrested for a violent crime than their nonabused and nonneglected white counterparts. In contrast, black abused and neglected children in this sample showed significantly increased rates of arrest for violence compared with black children who were not maltreated. An out-of-home placement was not related to the number of arrests among those who were removed from their homes due only to abuse and neglect. 6 exhibits and 14 references

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# African American Males in Foster Care and the Risk of Delinquency: The Value of Social Bonds and Permanence

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*Joseph P. Ryan, Mark F. Testa, and Fuhua Zhai*

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Juvenile delinquency remains a significant problem for child welfare systems throughout the United States. Victims of child abuse and neglect are more likely relative to children in the general population to engage in delinquency (Ryan & Testa, 2005; Widom, 1989). Although the magnitude of this relationship is not fully understood (Zingraff, Leiter, Myers, & Johnsen, 1993), the risk of delinquency is particularly high for African American males, adolescents, and children in substitute care settings. Unfortunately little is known about the factors that connect the experiences of maltreatment and delinquency. This lack of knowledge makes it nearly impossible to decrease the risk of delinquency for children in foster care. To improve the understanding of juvenile delinquency in the child welfare system, the current study tests aspects of social control theory within the context of foster care. We focus specifically on the effects of foster parent—foster child attachment, commitment, and permanence. The results indicate that strong levels of attachment decrease the risk of delinquency for youth in foster

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care. Involvement with religious organizations also decreases the risk of delinquency. In contrast, perceptions of placement instability, placement with relatives, and school suspensions are associated with an increased risk of delinquency.

Juvenile delinquency remains a significant problem for child welfare systems throughout the United States. Victims of child abuse and neglect are more likely relative to children in the general population to engage in delinquency (Ryan & Testa, 2005; Widom, 1989). Although the magnitude of this relationship is not fully understood (Zingraff, Leiter, Myers, & Johnsen, 1993), the risk of delinquency is particularly high for African American males and children in substitute care settings (Ryan & Testa, 2005). Yet debate continues regarding the factors that connect these two phenomena. To improve the understanding of juvenile delinquency in the child welfare system, the current study tests aspects of social control theory within the context of foster care. Our approach is similar to that of development and life course criminologists—we investigate the significance of key institutions of social control as children transition through adolescence and into early adulthood (Sampson & Laub, 1993). We focus exclusively on African American males in the foster care system. We examine attachment, commitment, and perceptions of permanence.

Healthy development is dependent upon parents and other socializing agents making consistent investments in the care, education, and supervision of children. Such investments help instill a sense of attachment, commitment, and obligation that tie children to family and conventional role models. Social control theorists posit that these investments and social bonds prevent children

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from engaging in delinquency. Difficulties arise when children experience low levels of investment and weak social bonds. When confronted with opportunities to engage in nonconforming or undesirable behaviors, children with extensive and strong social bonds have a greater stake in conformity and are less likely to engage in delinquent behavior that might jeopardize those relationships (Furstenberg & Hughes, 1995; Hirschi, 1969). Attachment and commitment represent two key components of the social bond.

### *Attachment*

Attachment is defined in terms of a psychological and/or emotional connection with significant others and represents a core element in the development of social bonds (Marcus, 1991). Children lacking adequate levels of attachment are believed to be free from moral restraints (Hirschi, 1969). When children and adolescents are free from moral restraints and are insensitive to the feelings and norms of positive role models, the risk of participating in delinquent behavior increases (Thornberry, Lizotte, Krohn, Farnworth, & Jang, 1991).

Child welfare practitioners and scholars assert that attachment is important because it is the foundation for the provision of quality care and is an important predictor of healthy psychological development (Committee on Early Childhood, Adoption, and Dependent Care, 2000; Kelly & McSherry, 2002; Vuchinich, Ozretich, Pratt, & Kneedler, 2002). The establishment of positive relationships between the foster child and the foster care provider can minimize a child's emotional distress and the negative effects on his or her development from temporary separation from parents. Moreover, attachment can provide a safe context in which new relational skills can be developed (Haight, Kagle, & Black, 2003). The literature describing the importance of attachment is consistent. Yet the literature focusing on the strengths of social bonds achieved within the foster home is somewhat inconsistent.



In a study of young adults leaving the foster care system in Wisconsin, Courtney et al. (2001) reported that 75% of all youth felt “somewhat close” or “close” to their foster caregivers. Nearly 40% of these youth also report staying in contact with foster parents subsequent to discharge, and 20% report receiving continued emotional support and advice with decision making. Despite high levels of perceived attachment, 37% reported running away from the foster home at least once, 32% reported feeling lonely, 28% felt foster parents treated their biological children better than they treated foster children, and 34% reported being “mistreated” at least some of the time while in substitute care placement. Similarly, in a study of quality parent-child interactions Wallace and Belcher (1997) report that approximately 18% of foster children live in “at risk” homes. To some extent the reports of low levels of attachment are not entirely surprising. Foster care placements are intended to be temporary. One might thus expect some reluctance or unwillingness in developing strong and secure attachments.

The studies of attachment have made an important contribution to the literature in terms of understanding parent-child relationships within the context of foster care. Researchers, however, have yet to fully investigate the impact of these relationships on the development of problematic behavior. One goal of the current study is to address this gap in knowledge by specifically examining the association between foster parent—foster child relationships and juvenile delinquency.

### *Commitment*

Commitment is another central construct noted throughout the control theory literature and refers to an individuals’ investment in society or stake in conventional institutions. Such investments result in commodities (e.g., cherished relationships, academic success, and employment) that are jeopardized when individuals engage in delinquency (Polakowski, 1994). The school and church (or religious organizations more generally) are perhaps the most recognizable institutions.

The research on commitment or investment in educational institutions and its association with delinquency is fairly consistent. This is true for a wide range of educational experiences. Specifically, an increased risk of juvenile delinquency is associated with the following: low levels of academic achievement, lack of participation in school activities, low aspirations for continued education, unpleasant relationships with teachers, rejection of administrator authority, disregard for school policies and rules, and dropping out (Agnew, 1985; Agnew & Petersen, 1989; Gottfredson, 2001; Maguin & Loeber, 1996).

Important to note is that the relationship between educational experiences and delinquency often vary by child demographics. Moreover, there is little consensus on the direction of this relationship. Do negative school experiences cause delinquency? Does delinquency cause negative school experiences? Or does a third set of variables exist that increases the likelihood of both negative school experiences and delinquency? This debate continues (Agnew, 2001). Specific to the current study, researchers have also investigated the mediating effects of school performance on the maltreatment—delinquency relationship. Zingraff et al. (1993) report, “[A]dequate school performance is associated with a substantial reduction in the risk of delinquency among maltreated children” (p. 83). We intend to build upon this body of educational research by investigating the effects of additional school related variables (e.g., participating in after-school activities, aspirations to attend college, and suspensions) for maltreated children.

Similar to the role of schools and education in general, the church is an important agent of social control (Johnson, Larson, Li, & Jang, 2000). Within many African American communities, the church is viewed as the most important institution in the United States and has had an enormous impact on the religious, cultural, social, and political aspects of life in America (Langley & Kahnweiler, 2003). Isaac, Guy, and Valentine (2001) indicate that the Black church has not limited itself to spiritual and religious

edification but has also served as a refuge from racism and a location where African Americans could learn values, knowledge, and skills. In the current study we investigate the impact of religious organizations for African American youth in foster care.

Although somewhat limited in recent years, philosophers and researchers have a long history exploring the connections between religion, deviance, and delinquency. Durkheim (1951) argued that weak and unstable attachments and low levels of social integration (specifically involvement with religious institutions) were related to a host of undesirable behaviors including suicide. A review of more recent work reveals a similar picture. Cochran, Wood, and Arneklev (1994) report that with the exception of one study, every published work that focuses on religion and delinquency since 1983 reports a substantial religiosity effect. That is, the more individuals participate and are committed to religious institutions, the less likely it is that such individuals will engage in deviant and delinquent behavior. Similar to the schools-delinquency research, debate continues regarding the exact pathways by which religion influences delinquency. However, as churches are often central institutions in many African American communities, we investigate the effects of involvement with religious institutions on delinquency.

### *Permanency*

In addition to the role of attachment and commitment in the development of delinquency, the current study focuses on permanency. Placement instability is important and relevant for at least two reasons. First, child welfare systems struggle with securing stable placements for children removed from the biological family home. A recent study of foster children in Illinois reports that of all children in care on June 30, 1998, approximately 38% had experienced at least four different placements (Hartnett, Falconnier, Leathers, & Testa, 1999). The difficulty of securing stable placements is not limited to Illinois nor is the focus on instability a recently expressed

concern (Berrick, Needell, Barth, & Jonson-Reid, 1998; Millham, Bullock, Hosie, & Haak, 1986; Pardeck, 1985). In 1990 researchers documented that approximately 30% of children in substitute care settings experienced more than three placements (U.S. House of Representatives, 1994).

The second rationale for focusing on permanence is the accumulating body of evidence which suggests that placement instability is associated with a wide variety of negative outcomes including mental health problems, weak attachments, and even juvenile delinquency (Early & Mooney, 2002; Fanshel, Finch, & Grundy, 1990; Goldstein, Freud, & Solnit, 1973; Lieberman, 1987; Van der Kolk, 1987; Ryan & Testa, 2005). The permanency literature has greatly advanced the understanding of the need for safe and stable homes. We intend to build on this literature and make a unique contribution by exploring not only the effects of placement instability, but also the relationship between perceptions of instability and delinquency. That is, we are concerned not only with how instability impacts problematic behavior, but also with how one's perception of future instability may relate to these same behaviors.

### *Research Questions and Hypotheses*

In the current study we address the following three research questions: (1) Are high levels of attachment between the foster child and the foster parent associated with a reduced risk of delinquency? (2) Are high levels of commitment with school and church associated with a reduced risk of delinquency? (3) Are perceptions of placement instability associated with an increased risk of delinquency? The research questions are stated in terms consistent with our hypotheses. That is, we hypothesize that children reporting high levels of attachment and commitment will be less likely to enter the juvenile justice system—relative to children reporting low levels. We also hypothesize that the perception of placement instability increases the risk of delinquency.

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## Methods

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### *Sample*

We use a subsample from the Illinois Subsidized Guardianship Waiver Demonstration. The purpose of this demonstration was to evaluate the effectiveness of guardianship. The sample for the waiver evaluation was comprised of 1,502 youth between 8 and 20 years old. The design was experimental and the youth completed interviews at two points in time. The sample selection is based on the following criteria: African American males in foster care (as opposed to adoptive home, guardianship, or home of parent), living in Cook County, and between 11 and 16 years of age (eligible for a delinquency petition) at the time of the first interview. The sample includes both kinship and nonkinship foster families. These criteria yielded a sample of 278 youth.

### *Data and Procedures*

Several sources of data are used in the current study. The child welfare data from the IDCFS include information on demographic characteristics, reports of maltreatment (report date, type, finding), and child welfare services (placement dates, placement types). The juvenile justice data include delinquency petitions filed in Cook County Juvenile Court between January 1980 and December 2000. The juvenile justice data include delinquency petition date, delinquent offense, and judicial disposition. Child welfare and juvenile justice data were linked by common identifiers using probabilistic matching software. Finally, the subsidized guardianship survey data were used to measure attachment, commitment, and perceptions of permanence.

As part of the subsidized guardianship waiver demonstration, youth completed surveys at multiple points in time. We use the first wave of survey data in the current study. The first wave (completed between winter 1998 and spring 1999) captured baseline in-



formation on families and children. The baseline interviews were conducted with caregivers identified by the state as legally responsible for the care of the children in the demonstration and with sampled children ages 9 and older. The children were interviewed in-person with an audio computer-assisted self-interview (ACASI). The child interview addressed the children's relationships with the caregiver and others in the home, relationships with biological parents and other family members outside the home, connectedness with the community, school attendance and performance, physical and mental health, self-efficacy, services received, and feelings about permanency. The instrument was developed and pretested using focus groups and individual interviews with foster care children in Chicago to explore conceptual issues and test question wording and the usability of the ACASI. The child interview was self-administered, with a computer voice reading the questions and response options as they appeared in print on the screen. Children selected their answers by pressing a touch-sensitive screen on the laptop computer. Field associates were responsible for setting up the laptop computer for the child, instructing the child in the use of the tutorial, and monitoring the child's successful completion of the tutorial. At the conclusion of the tutorial, the field associate placed headphones on the child so the child could complete the interview in privacy. The interview took an average of 35 minutes to complete.

### *Measures*

The social bond is a central construct noted throughout the social control literature and is comprised of attachment, commitment, and individual beliefs. We focus on two of these three components: attachment and commitment. Attachment refers to the social bond or connection that exists between the foster youth and the foster parents. When an individual's bond with society in general and family more specifically is weak, the likelihood of delinquency is increased (Hirschi, 1969). We use seven survey items to estimate

two dimensions of this connection. The format for these survey items was a 5-point scale (1 = never, 2 = hardly ever, 3 = some of the time, 4 = most of the time, 5 = all of the time). Four items are used to measure the *parent-child relationship* that exists between foster youth and foster parent. Sample items are “when something is bothering you how often do you talk with your [name of foster parent],” and “how often does [name of foster parent] let you know he/she cares about you?” The remaining two items are used to measure the extent to which foster parents are familiar with the youth’s peer group and knowledgeable regarding the youth’s whereabouts. We label this construct *parental monitoring*. These items are “when you go out how often do you tell someone in your home where you are going,” and “how often do any adults in your home check out your friends or people you hang out with?”

Commitment refers to an individuals’ investment or stake in conventional institutions, such as the family, school, religion, and employment. Such investments result in commodities (e.g., cherished relationships, academic success, and steady employment) that are jeopardized when individuals engage in delinquency (Polakowski, 1994). In the current study we use six survey items that focus on *education* and *religion*. The format for these survey items was a *yes* or *no* response. The education items are entered into multivariate models as three unique variables. Sample education items are “do you plan to attend college,” and “are you participating in any after-school activities.” The three items that measure a commitment to religious institutions are summed to create a scale ranging from 0 (indicating no commitment) to 3 (indicating full commitment). Sample religion items include “in the past 30 days have you gone to a religious service or church school in a church, mosque, temple, or other place of worship,” and “in the past 30 days have you gone to any other events at a church, mosque, temple, or other place of worship with your family.” The items that comprise our measures of attachment and commitment resemble well-established measures of social control often used

in delinquency research (Agnew, 1991; Wiatrowski, Griswold, & Roberts, 1981).

### *Juvenile Delinquency*

There is no consensus on an ideal measure of delinquency. Prior research has utilized a variety of measurement techniques including self-report surveys (Thornberry & Krohn, 2000), official arrest records (Widom, 1991), and even entry in secure correctional facilities (Jonson-Reid, 2002). Advantages and disadvantages are associated with each approach. In the current study, we use the filing of an official delinquency petition in juvenile court. This measure is broad in scope and has been used in prior research (Ryan & Testa, 2005). This measure is not limited to a particular type of offense. The petitions used in the current study include offenses that range from court order violations to criminal homicide. The most frequent offenses were property related (43%).

### *Maltreatment*

Similar to the difficulties associated with identifying an ideal measure of delinquency, there is ongoing debate surrounding the measurement of child maltreatment. More specifically, the debate focuses on the inclusion or exclusion of unsubstantiated allegations of maltreatment in delinquency research (Leiter, Myers, & Zingraff, 1994). In the current study, we include all investigated allegations of maltreatment, regardless of finding. All youth, however, had at least one substantiated report of maltreatment. The allegations of maltreatment include reports of physical abuse, neglect, sexual abuse, emotional abuse, and substance exposure at birth.

### *Analytic Techniques*

We use factor analysis to construct the parent-child relationship measure. The outcome of interest is juvenile delinquency. We use survival analysis (SPSS Cox Regression) to examine the influence



of individual variables on survival rates. This analytic technique is similar to logistic regression in that it enables one to calculate the odds of a particular event occurring. Survival analysis, however, considers the differential impact between groups on the timing of this event (Land, McCall, & Parker, 1994). In the current study, youth vary in age at the time of interview. They are thus exposed to the risk of a delinquency petition for varying lengths of time. The time period used in the current study is the number of days between the interview and December 31, 2001 (the last date delinquency petitions were available). The time period was adjusted if a particular youth turned 18 years of age prior to December 31, 2001. The average time at risk for this sample was 2.00 years, ranging from 1.84 months to 2.5 years. Survival models adjust for these variations by censoring observations. Observations are censored if the target event (delinquency petition) was not observed during the period of data collection. The resultant coefficients are interpreted similarly to those from logistic regression.

### *Sample Description*

This study focuses on 278 African American males in foster care. Of these youth, 40% had at least prior allegation of physical abuse, 58% neglect, and 7% sexual abuse. At the time of the first interview, 62% of the youth had experienced at least two changes in placement. On average, youth were 12.8 years old at the time of interview. At the time of the interview, 81% of the youth were in a relative care placement. Regarding school, 54% had experienced at least one out of school suspension, 61% were participating in after-school activities at the time of the interview, and 93% reported plans to attend college. Of the youth, 39% anticipated changing placements within the next 12 months. Subsequent to the completion of the first interview, 11% had at least one delinquency petition. The descriptive statistics for all variables are displayed in Table 1. Higher scores on the parent-child relationship and parental monitoring scales correspond with more positive relationship and more frequent monitoring.

**TABLE 1**

Descriptive Statistics for Independent and Dependent Variables (n = 278)

	PROPORTION
Maltreatment Type	
Physical abuse	.40
Neglect	.58
Emotional abuse	.01
Substance exposure	.02
Sexual abuse	.07
Placement Instability	
No change in placement	.38
Two placements	.18
Three or more placements	.44
Relative placement	.81
Perceived instability in next 12 months	.39
Plans to attend college	.93
After-school activities	.61
Involved with religious organization	.71
	MEAN (SD)
Age at interview	12.8 (1.6)
Parent-child relationship	.027 (.98)
Parental monitoring	
Tell caretaker where you are going	4.09 (1.7)
Caretaker knows friends	4.00 (1.3)

## Results

### *Factor and Reliability Analysis*

Items and factor loadings are presented in Table 2. The factor correspond to the foster parent—foster child relationship. All factor

**TABLE 2**

Individual Scale Items, Factor Loadings, and Reliability for Parent-Child Relationship (n = 278)

	FACTOR LOADING
<i>Individual Scale Items</i>	
How often does [name of foster parent] help you with your problem?	.815
How often does [name of foster parent] let you know he/she cares about you?	.780
When something is bothering you, how often do you talk with [name of foster parent]?	.768
Do you feel like you are part of this family?	.761
<i>Cronbach's Alpha</i>	.7923

loadings are above .76. Reliability analysis indicated that the construct has high internal consistency (Cronbach's alphas of .79, see Table 2). Reliability analysis also indicated that dropping any items would not result in a higher Cronbach's alpha.

### *Bivariate Relationships*

Tables 3 and 4 display the likelihood of having a delinquency petition by various characteristics. Although not statistically significant, the risk of delinquency appears to peak (18%) at age 13. Of children in relative foster placements, 13% had at least one delinquency petition, compared with 2% of those in nonrelative home placements. Several of the measures related to commitment, both education (school suspension and participation in after-school activities) and religion, indicate that commitment within these domains decreases the risk of delinquency. Perceptions of placement instability appear to increase the likelihood of delinquency (17% compared with 8%). Finally, reported levels of attachment (parent child relationships and parental monitoring) are also associated

**TABLE 3**

Crosstabs: Percent of Foster Youth Delinquent by Key Characteristics (n = 278)

CHARACTERISTIC	% DELINQUENT	% NOT DELINQUENT	CHI- SQUARE	P
Age				
11	7%	93%	6.29	>.05
12	7%	93%		
13	18%	82%		
14	11%	89%		
15	19%	81%		
16	11%	89%		
Prior Changes in Placements				
One	5%	95%	7.20	<.05
Two	14%	86%		
Three or more	15%	85%		
Placement Type				
Relative home	13%	87%	5.50	<.05
Nonrelative home	2%	98%		
School suspension				
Prior suspensions	14%	86%	2.80	>.05
No prior suspensions	8%	92%		
Plans to attend college				
No college plans	16%	84%	.443	>.05
College plans	11%	89%		
In after-school activities				
Not participating	17%	83%	5.42	<.05
Participating	8%	92%		
Involvement with religious organization				
Involvement	6%	94%	17.4	<.01
No involvement	24%	76%		
Perception of Instability				
No expected change	8%	92%	5.64	<.05
Expected change of placement	17%	83%		

**TABLE 4**

T-tests: Parent-Child Relationship Scale and Parental Monitoring Items by Delinquency Status (n = 278)

CHARACTERISTIC	MEAN	T	P
Parent-child relationship scale			
Delinquent	-.317		
Not delinquent	.229	2.33	<.05
Monitoring—tell caretaker where you are going			
Delinquent	3.84		
Not delinquent	4.24	1.95	<.05
Monitoring—caretaker knows friends			
Delinquent	3.39		
Not delinquent	4.08	2.82	<.05
Length of Stay			
Delinquent	37.99		
Not delinquent	39.35	.227	>.05

with subsequent delinquency. Children reporting a more positive relationship and children who experience a higher level of parental monitoring (as indicated by high scores on each measure) appear less likely to have a subsequent delinquency petition.

### *Survival Analysis*

In general, the Cox regression findings for males are consistent with the bivariate findings about child characteristics, attachment, commitment, and subsequent delinquency. The results from the Cox regression are displayed in Table 5. The table includes the coefficient and standard error for each independent variable as well as the hazard ratio. A hazard ratio greater than one indicates a higher likelihood of delinquency. A hazard ratio less than one indicates a lower likelihood of delinquency.

**TABLE 5**

Cox Regression: Delinquency Petitions for African American Males (n = 278)

INDEPENDENT VARIABLES	B	S.E.	Exp (B)
Age at interview	.13	.13	1.14
Neglect (1 = yes)	-.58	.46	.56
Nonrelative care home (1 = yes)	-2.89*	1.15	.056
Length of stay in foster care	.01	.01	1.01
Number of previous placement			
Two	1.32*	.61	3.73
Three or more	1.70**	.52	5.47
Perception of placement stability (1 = stable)	-1.28**	.45	.28
Attachment			
Parent-child relationship	-.37*	.17	.69
Monitoring—whereabouts	.13	.21	1.14
Monitoring—check out friends	.15	.14	1.16
Commitment			
Plans for college (1 = yes)	.80	.72	2.22
Prior suspensions (1 = yes)	.98*	.49	2.67
Participating in after-school activities (1 = yes)	-.72	.41	.49
Involvement with religious organization	-1.38**	.40	.25

\* &lt; .05, \*\* &lt; .01

We find that six variables help explain delinquency for African American males in the foster care system. Regarding attachment, males reporting more positive relationships with foster care providers were less likely to experience a delinquency petition. No significant relationship emerged between parental monitoring and subsequent delinquency. Regarding the various measures of commitment, involvement with a religious organization decreases the likelihood of delinquency for children in foster care. School suspensions

were associated with an increased risk of delinquency. No significant relationship emerged between plans to attend college and subsequent delinquency petitions. Regarding placement instability, children that had already experienced multiple placements were more likely to have a delinquency petition compared to children with only one substitute care placement. This pattern continued with regard to perceptions of future instability. The foster youth who expected a change in placement within the next 12 months were more likely to have a subsequent delinquency petition. Finally, children in relative foster homes were more likely to have a delinquency petition compared to children in nonrelative placements.

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## Discussion

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The relationship between maltreatment and delinquency is well documented. Yet there is very little research on the factors that connect these two phenomena. The purpose of this study was to address this gap in the literature by identifying and determining the factors that connect child maltreatment and delinquency for African American males in foster care. The conceptualization of the problem and the related analyses were grounded in theories of social control. We focused particular attention on the value of the social bond and specifically on the attachment between foster youth and foster parent and on the level of commitment youth report in both education and religion. We also investigated the association between perceived instability and subsequent delinquency. The results support several of the stated hypotheses.

*Are high levels of attachment between the foster child and the foster parent associated with a reduced risk of delinquency?*

We used two measures of attachment to address this question. The first measure focused on the relationship between the foster youth and the foster parent and included questions about frequency of communication and level of caring. Additional measures focused on parental monitoring and included questions about setting rules and familiarity with the youth's peer group. The findings support

our hypothesis of attachment and delinquency, but only with regard to the child-parent relationship. That is, more positive relationships between the foster youth and foster parent are associated with a decreased risk of delinquency. No significant association emerged between parental monitoring and delinquency.

*Are high levels of commitment with school and church associated with a reduced risk of delinquency?*

We used a variety of measures organized within education and religion to estimate the commitment—delinquency relationship. These measures included information on prior school suspensions, plans to attend college, participation in after-school activities, and involvement with religious organizations. The findings support our hypotheses of commitment and delinquency, but only with regard to involvement with religious organizations and prior school suspensions. Foster youth involved with religious organizations (whether for religious service or other community event) were less likely to experience a delinquency petition. In contrast, foster children that have been suspended from school were more likely to engage in delinquent behavior.

*Are perceptions of placement instability associated with an increased risk of delinquency?*

In the current study we took a unique approach to estimating the effects of placement instability. Although we controlled for prior movements, we focused specifically on the child's perceptions of instability. Specifically, children were asked if they believed they would experience a change of placement within the next 12 months. The results indicate that the children predicting a change in placement (perceived instability) were significantly more likely to experience delinquency petitions as compared with those predicting no change in foster placement. This finding, specific to perceptions of permanence, is consistent with much of the literature on placement instability in the foster care system. Specifically, the children that experience multiple movements within the foster care system are more likely to engage in delinquency as compared to children



with no movements (Ryan & Testa, 2005). Despite this consistency, the finding noted in the current study does raise a few additional questions about placement instability. What is it about instability that increases the risk of delinquency? Is it the disruption itself or the events that precede the disruption? In the current study, non-delinquent children were asked to predict the stability of their current foster care placement. Controlling for prior movements and length of time in the foster care system, children predicting a change in placement were at an increased risk of delinquency. It is possible that the actual disruption is not responsible for the increased risk of delinquency but rather the turmoil that precedes this disruption. This notion is similar to the finding noted throughout the divorce literature. Researchers find that it is not always the divorce itself that increases the risk of negative outcomes for children, but rather the preceding conflict and discord (Amato & Sobolewski, 2003).

### *Additional Findings of Interest*

One unexpected finding was the relationship that emerged between the type of foster home and the likelihood of delinquency. Controlling for a wide range of child characteristics, children in relative care homes were significantly more likely to experience a delinquency petition compared to children in nonrelative placements. To date, scant research compares the likelihood of delinquency petitions for children in relative and nonrelative homes. We thus were not sure what to expect with regard to placement type and delinquency. In a review of the kinship care and delinquency literature, only one study compares official delinquency petitions for children in family settings (which includes placement with biological parents or relatives) with children placed in nonrelative settings (English, Widom, & Branford, 2001). The authors conclude that children in nonrelative placements are more likely to be arrested. The problem with this comparison is that the risks associated with each group are not equivalent. The family setting group includes children who are permitted to remain with the biological parents. These children are likely exposed to significantly fewer

risks as compared with the group of children taken into protective custody.

Despite the lack of research focusing on kinship placements and the likelihood of delinquency, a broad literature exists that documents a wide range of risks and benefits. Thus, perhaps higher delinquency rates should not be entirely surprising. Regarding risks, kinship care providers are more likely to be poor, single, and older and to have fewer years of education as compared with nonkin providers. Kinship care providers also have less contact with caseworkers, and receive fewer support services relative to nonkin providers (Barth, Courtney, Berrick, & Albert, 1994; Berrick, Barth, & Needell, 1994). In short, "[C]hildren in kinship care homes face significantly more environmental hardships than children in [nonkin] foster homes (Ehrle & Geen, 2002). Despite these hardships, there are numerous advantages to kinship care placements. For example, children in kinship care arrangements experience more stable placements, are more likely to maintain ties with their biological family, and are less likely to reenter substitute care placement subsequent to reunification (Berrick, Needell, Barth, & Jonson-Reid, 1998; Courtney, 1995; Testa, 2001).

We were not able to identify the specific factors or characteristics of relative placements that increase the risk of delinquency. That is, we cannot explain *why* children placed with relatives are at an increased risk of delinquency, only that such a risk exists. The comparison of kinship and traditional foster homes (with a focus on delinquency outcomes) thus warrants additional attention. Perhaps some of the same desirable characteristics associated with kinship care placement (close proximity to biological family home) are also related to higher delinquency rates. This seems especially true for kinship care placements in neighborhoods with high rates of delinquency and crime.

### *Implications for Practice*

The implications for social work practice are clear. It is essential for child welfare professionals to (1) facilitate and maintain attachment

between foster youth and foster parent, (2) facilitate and maintain youth involvement with important social institutions (e.g., schools), and (3) secure a stable home for all foster youth. A broad literature describes strategies for improving foster youth–foster parent relations. Within this literature, scholars and practitioners note that foster parents need a variety of support services subsequent to the child's placement in the home. Specifically, authors report that skill training and support services for dealing with the health and psychological problems of foster children, training in empathy skills, and developing special interests and talents of foster children might increase retention rate, increase feelings of self-efficacy, and improve children's attachment to their foster parents (Burry, 1999; Chamberlain & Moreland, 1992; Kalland & Sinkkonen, 2001; Marcus, 1991). The lack of such training is one reason given by foster parents who drop out of the foster care system (Burry, 1999; Chamberlain & Moreland, 1992).

### *Future Research*

The current study investigated specific aspects of social control theory. We empirically tested the relationship between attachment, commitment, perceptions of permanence, and delinquency. The findings from this research make a unique contribution to the literature. Yet there are questions that remain unanswered. Most importantly, how do social controls prevent delinquency in the foster care system? Are children simply reluctant to engage in delinquency because of the time and energy invested in these relationships or are the processes more complex? Thornberry (1987) argues that youth are more likely to associate with delinquent peers as social controls weaken. These associations lead to a further reduction in social controls. The reciprocal process or loop is often interrupted as youth transition to adulthood and establish new commitments with work and family. This model integrates aspects of both control theory (e.g., importance of social relationships) and learning theory (e.g., conforming with delinquent peer group). Testing this model within the context of the child welfare system is

essential for two reasons. First, it is important to understand the exact mechanisms that increase the risk of delinquency for victims of abuse and neglect. Second, this work is necessary if one hopes to develop efficient and effective delinquency prevention programs.

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# PROJECT CONFIRM

## An Outcome Evaluation of a Program for Children in the Child Welfare and Juvenile Justice Systems

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*When a foster care youth has been arrested, several child-serving agencies are required to communicate effectively to ensure that a responsible guardian is present to take custody. Exploratory research suggests that, in some cases, judges detain children unnecessarily because their guardians fail to appear. This article presents the results of an evaluation of Project Confirm, a program designed to reduce the unnecessary detention of foster care youth. The evaluation reveals a disparity in pre-adjudication detention rates between foster and nonfoster juveniles with similar characteristics both before and after the introduction of the program. The lack of an average program effect on this disparity is explained by the fact that the disparity decreased for juveniles with less serious records but increased for those with more serious records. Finally, both the disparity in detention prior to the program and the program effect differed according to juveniles' gender, race, and court county.*

**Keywords:** *juvenile detention; foster care; interagency coordination; interagency collaboration; child welfare; juvenile justice*

### Background

#### *Pre-Adjudication Juvenile Detention in New York City*

Juvenile custody rates exploded during the 1990s, leaving many juvenile detention facilities, especially those in large urban areas, vastly overcrowded. According to one estimate, from 1985 to 1995, the number of children held in locked juvenile justice detention

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facilities increased fivefold (Wordes & Jones, 1998). In New York City, the average daily population of youth in detention further swelled by 60% between 1993 and 2000. Such increases have been attributed to the rise in the use of detention for nonviolent offenders and probation violators (Faruqee, 2002; Orlando, 1999).

The practice of pre-adjudication detention for juveniles is intended to prevent them from further offending and ensure their appearance in court. Those who are released while their cases are pending are typically considered at low risk of these activities. Unlike adult court, family court judges are also required to take the best interest of a juvenile into consideration when making a detention decision—in other words, to act as a parent—yet detention at the pre-adjudicatory phase is not to be used as punishment (*Schall v. Martin*, 1984). There is an additional consideration that informs judges' decisions to detain: whether a "release resource" is present in court, typically a guardian or parent who can take the child home and who can be held responsible for his or her behavior. The presence of an adult is imperative to ensuring the release of juveniles who pose no threat to the community or risk of flight.

There are, in fact, several junctures in the arrest of a juvenile when the presence of a guardian may be helpful in avoiding detention. In New York, when a juvenile (anyone younger than 16) is arrested for a relatively serious offense, police take him to court, or if court is closed, to a secure detention facility until court opens the following weekday.<sup>1</sup> Once in court, the juveniles meet with a probation intake officer who conducts an interview, ideally with the guardian present, to determine whether to forward the case for prosecution or adjustment. The cases that require prosecution are then referred to the adult equivalent of a prosecutor (in New York City, the prosecuting agency is known as Corporation Counsel), where the decision is made as to whether to file a petition to the court. If a petition is filed, the juvenile has an initial court appearance when the judge assigns counsel and decides, with a recommendation from Corporation Counsel, whether to further detain the juvenile in a secure or nonsecure detention facility while awaiting adjudication. Anecdotal evidence indicates that judges typically follow the Corporation Counsel recommendation to detain. And a necessary condition for release is that a responsible guardian is present to take custody. In 2001, more than 5,000 juveniles were admitted to detention in New York City, where they remained an average of 36 days (Faruqee, 2002).

For decades, advocates and researchers have criticized juvenile detention facilities in New York City and other jurisdictions for their squalid conditions, violence, and abuse toward youth in custody (e.g., Hubner & Wolfson, 1999; Orlando, 1999; Parent & Abt Associates, 1994). In the early 1970s, reformers sued New York City, charging that conditions in juvenile detention violated constitutional guarantees against cruel and unusual punishment (*Martarella v. Kelley*, 1972).<sup>2</sup> Under intense pressure from community groups in 1989, city officials vowed to shut down the sole secure detention center, Spofford, which had "long been considered a symbol of overcrowded conditions and brutality against children" (Faruqee, 2002, p. 3). After the city built two smaller secure facilities, Spofford closed in 1997 as newspaper and magazine articles cited its history of violence, poor sanitation, and lack of services (e.g. Rein & Flynn, 1997; Thrush, 1997). In 1999, the city reopened the facility with a new name—the Bridges Juvenile Center—but reports of violence and gang recruiting continued amid calls to shift resources away from detention and toward a social service model (e.g., Kelly, 2004).

Aside from these conditions, other criticisms have been leveled at the use of pre-adjudication detention. Some speculate that it may harm juvenile defendants' educational attainment and income if it keeps them from school and work (Faruqee, 2002; Sampson &

Laub, 1993). In addition, adolescents in detention cannot demonstrate their ability to obey the law or display other positive behaviors that could lead judges to release juveniles prior to disposition—the family court equivalent of sentences (e.g., Cohen & Kluegel, 1979). Some argue that pre-adjudication detention may also result in more severe dispositions (e.g., Bortner, 1982; Fagan & Guggenheim, 1996). In a study of all juvenile delinquency cases in a single state, for instance, Frazier and Bishop (1985) found that juveniles who were detained pre-adjudication were slightly more likely than those who were not detained to have their cases result in a formal disposition (rather than an informal disposition, which may result in more lenient sanctions).<sup>3</sup>

#### *Child Welfare for Adolescents in New York City*

The Administration for Children's Services (ACS), New York City's child welfare agency, has custody of approximately 20,000 foster children. ACS contracts with more than 60 private agencies that are responsible for finding foster families and operating congregate care facilities, such as group homes or residential treatment centers. Approximately one third of the youth in care are between 12 and 16 years old, and most of these adolescents reside in congregate care, particularly those who enter care during adolescence instead of childhood. Adolescents enter care in a variety of ways. About a third of first-time adolescent entries are because of abuse or neglect, another third are voluntary placements (e.g., when the parents die), and most of the remainder enter because of a remand or placement as part of a status offense action (these are commonly known as *Persons in Need of Supervision* cases). Fewer than 3% are placed in foster care through the juvenile delinquency system.

There are several front-line staff and caregivers involved in the care of a foster child, and their respective responsibilities can sometimes be unclear. Caregivers typically include foster parents, relatives, and/or group home counselors who provide basic subsistence and who may also provide care outside of the home, such as taking the child to doctor visits, attending teacher-parent conferences, and acting as the child's guardian in a juvenile delinquency case. Each child is also assigned a caseworker who is responsible for monitoring the case, such as scheduling meetings with biological parents, assessing the safety and quality of the foster home, and monitoring progress toward adoption or reunification with the biological parent. Each case is overseen by a case manager who supervises the caseworker and often makes important decisions regarding the case. Because of the challenging work conditions and low pay, there is substantial turnover among caseworkers in child welfare agencies; a 1995 U.S. Government Accounting Office (1995) study estimated that the annual turnover rate for caseworkers in New York City was 75%. Thus, in addition to confusing lines of parental authority across several caregivers and front-line caseworkers, there may also be substantial changes in the people who fill these roles, allowing for further confusion and communication gaps within the child welfare system as well as between child welfare and other youth-serving agencies.

#### *The "Overlap" Problem*

In 1996, the Vera Institute of Justice and ACS sought to examine the extent to which these types of information failures within the agency affected interagency communication failures when foster adolescents were arrested.<sup>4</sup> Vera researchers began with a survey of youth entering juvenile detention centers and discovered that foster youth were sent back to

detention after their first hearing at higher rates than their nonfoster counterparts. An additional review of case records showed no evidence that the foster youth in the survey committed more crimes or crimes of greater severity than the nonfoster survey participants, both factors that could explain differential detention rates.<sup>5</sup>

Instead, interviews with judges, probation officers, detention officials, child welfare officials, and foster youth shed light on the many barriers separating the child welfare and juvenile justice agencies and the possibility that these barriers prevented foster care caseworkers from showing up to court.<sup>6</sup> Responding to the arrest of a foster child requires the involvement of numerous public and private agencies, including the police, child welfare, juvenile justice, probation, contract foster care providers, judges, and juvenile defense and prosecuting attorneys. For children not in foster care, parents are responsible for navigating this system. For foster children, the locus of responsibility is often unclear to front-line staff, case managers, and foster parents. Confusion about roles, delays in transmitting information, and misunderstandings between front-line workers in the child welfare and juvenile justice agencies may increase the likelihood that arrested foster children are detained in juvenile detention facilities rather than released to legal caregivers or caseworkers.

In short, this exploratory research suggested that police, detention, and probation authorities were often unable to track down child welfare caseworkers or foster parents who could serve as a release resource. In some cases, child welfare caseworkers and foster parents were not aware that they were responsible for serving this function. Without guardians present in court, judges were forced to detain foster youth that they would otherwise release. Those interviewed felt that with more information about a youth and with a caseworker in court to serve as a release resource, many foster children would be released to the caseworker rather than detained in juvenile detention facilities. Vera coined the term “overlap problem” to refer to this unfortunate communication gap between (and within) the child welfare and juvenile justice systems.

#### *Example of the Overlap Problem*

The following example is a composite sketch of several cases Vera planners encountered during their exploration into the overlap problem.<sup>7</sup> One evening, the police arrested two 13-year-olds, Jason and Bill, for possessing a joint of marijuana. Bill calls his mother, who after promising to police that Bill will appear in court the next day, takes him home. Like many foster adolescents, Jason lives in a group home. Embarrassed by his foster care status and fearful that the group home staff will expel him for his arrest, Jason does not tell the police that he is a foster child. When the police ask him whom they should contact to pick him up, Jason gives his biological mother’s phone number. The police call, but Jason’s mother refuses to pick him up. Because they cannot legally keep Jason longer than 3 hours at the precinct station, the police send him to a locked juvenile detention facility for the night. The group home staff notice Jason’s absence and conclude that he ran away from care.

The next day, Bill and his mother meet with the probation officer and the prosecuting attorney, and both mother and child promise that Bill will be on his best behavior and appear at all court hearings. The prosecuting attorney releases Bill to his mother’s custody and continues investigating the case to decide whether to press charges. After Bill appears in court two more times, prosecutors drop Bill’s case 2 months later.

Jason is not so fortunate. After spending the night in detention, he is transported to the courthouse and meets with a probation officer. The probation officer asks for a phone con-

tact and Jason tells the probation officer that he is in foster care. The probation officer calls the child welfare agency, but in an organization of thousands of employees spread out over several agencies, she cannot locate anyone who knows how to find Jason's caseworker. With no caseworker available to consult, the probation officer refers Jason's case to a prosecutor. Given the nonviolent nature of the offense, the prosecutor wants to release Jason and schedule a future court date. But because no adult is present to take custody of Jason, the prosecutor has little choice but to bring the case before a judge. Jason's court-appointed attorney argues for Jason's release, but lacking a child welfare representative to accept him, the judge orders Jason to return to detention to await his next hearing in 3 days.

Jason appears in court two more times. Each time, the judge sends him back to detention because his guardian is absent. After his third court appearance, a week later, the judge orders his release to child welfare and a transport vehicle takes Jason to the agency's emergency placement unit. Like many private foster care placements, Jason's group home is paid on a per-diem basis, and after 3 days of absence, the agency placed another child in Jason's bed. With no existing bed for Jason, the placement office scrambles to find a new group home for him. Jason's arrest makes placing him difficult, and he spends 2 nights in the placement office before moving to a new group home known for taking "hard to place" children.

#### *Child Welfare Consequences of the Overlap Problem*

Although pre-adjudication detention can last for only a short time, the detention of a foster child can impact both the child and the involved public agencies tremendously. In addition to the previously mentioned social and economic costs to youth of being detained—unsafe or squalid conditions of facilities, inability to demonstrate good behavior to the court, and possible missed education and employment—Vera's exploratory research suggested additional child welfare consequences. As in Jason's case, foster youth who were detained for several days in a row could lose their foster care placements, especially if they resided in group homes. The private agencies that operate most group homes for ACS can hold the bed for a missing foster youth for up to 3 days. But if the juvenile's whereabouts are unknown, the agency usually fills the bed with another child. The youth leaving detention is therefore forced to move to a new home, which can be a disruptive experience, involving adjustments to new neighborhoods and caretakers. A change in placement also may weaken or destroy relationships with important adults in the children's lives, such as their biological parents and peers, potentially resulting in antisocial and delinquent behavior among foster youth (Runyan & Gould, 1985; Widom, 1991). Because of the disruption that new placements cause, federal foster care guidelines identify reductions in placement changes as a key goal for child welfare agencies (Department of Health and Human Services, 2000).

A related concern was that youth being released from detention would be sent to emergency placement facilities because they had lost their foster care placements. Children without placements usually went to ACS's emergency placement office, called Pre-Placement Services (PPS). Most child welfare managers and officials view emergency placements as undesirable because they disrupt the stability in children's lives and require extensive personnel time to locate new placements quickly. In addition, until the opening of a new 100-bed facility, PPS occasionally faced overcrowding problems, which created uncomfortable spaces for children and stressful conditions for staff.

Secure detention costs New York City more than \$300 a day per bed compared to between approximately \$20 and \$200 per day for foster care. In addition, although the federal

government pays for 50% of foster care costs, no corresponding funding match applies to secure detention. This comparison alone reveals the financial burden associated with housing foster youth in detention facilities rather than in foster homes. Even further costs are generated when ACS continues to pay for foster care services while youth reside in detention, which can result in total costs to the city of more than \$500 per day.

### *Project Confirm*

In response to this problem, ACS and Vera, together with eight other city and state agencies, launched Project Confirm.<sup>8</sup> By increasing the flow of information across agency boundaries and by bringing caseworkers to court, Project Confirm seeks to reduce the unnecessary detention of foster children who are arrested.

The program uses two primary strategies to achieve this goal: notification and court conferencing. The notification component involves a few simple phone calls. Juvenile justice officers phone Project Confirm staff following a youth's arrest and provide the juvenile's identifying information. Project Confirm staff search the child welfare database to determine whether the child is in foster care, and if so, they provide the name and phone number of the child welfare caseworker to the juvenile justice official and then notify the child's caseworker themselves.

Following notification, Project Confirm uses court conferencing to ensure that when notified of an arrest, child welfare representatives and their counterparts in the juvenile justice system know the role that they are required to play when responding to a case involving a foster youth. Project Confirm staff members meet child welfare representatives at court, introduce them to probation officers, and guide them through the entire process from the probation interview to the hearing before the judge. By connecting child welfare workers with the Family Court system, court conferencing seeks to give probation officers and prosecutors charged with making recommendations to the court more knowledge about the child, provide judges the opportunity to ask child welfare workers questions, and ensure that in the event of a release, a person authorized to accept a foster minor is present. Project Confirm augments these two components with other activities designed to increase awareness, such as informational sessions with front-line workers in the involved agencies.

By providing these services, the program seeks to increase knowledge about the policies and procedures of the other systems among front-line workers—primarily police officers, probation officers, attorneys, and child welfare caseworkers—and, most important, to ensure caseworker appearance in court. Also, the program intends to improve the amount of information made available to justice professionals, judges in particular, when they decide whether to detain a young person in foster care.

To implement the program required changing the operations and procedures used by the juvenile justice and child welfare systems. Intake workers needed to contact Project Confirm with the name of every youth entering detention. Child welfare executives needed to make sure that supervisors in the private foster care agencies knew that a caseworker had to appear in court. High turnover among caseworkers made it imperative that program field staff walk each caseworker through an unfamiliar process. As outlined in a previous article on the implementation of Project Confirm, the program used a variety of strategies to ensure that the program functioned smoothly (Ross & Conger, 2002). This article focuses on how the program affected its key outcome: the disparity in pre-adjudication detention rates between foster youth and their nonfoster peers.

## Outcome Evaluation Method

### *Research Questions*

Following Project Confirm's primary goal, the main research question of this outcome evaluation was whether Project Confirm reduced the disparity in detention rates between nonfoster and foster youth. A corollary question was whether Project Confirm reduced the disparity in detention more for some groups than for others. Specifically, because court officials have few reasons to detain youth facing low-level charges and with minor delinquency records other than the absence of a release resource, we suspected that Project Confirm would have a larger effect on these types of cases than it would on more serious cases. The evaluation also explored whether there were differential program effects by gender, race, and county of arrest.

Because of data constraints, this evaluation focused only on the effect of the program on decisions made by court personnel to detain youth who had already spent at least 1 night in detention because they were arrested when court was closed. These cases are called "police admits" to detention—those youth arrested after court hours, taken to detention by the police, and whose initial hearing takes place the next day that court is open. Project Confirm focused its efforts almost exclusively on this population during its first year: Police admits accounted for more than 90% of youth who received services from the program.<sup>9</sup> Project Confirm did not provide a significant amount of services to "court admits" to detention (those youth who are arrested although court hours are open and sent to detention that same day) until its second and third year of operations.

### *Design*

Project Confirm provided services citywide, prohibiting the use of a contemporaneous comparison group of similar youth not served by the program. The best comparison group available consisted of foster teens detained prior to the program's start date. We, therefore, compared the cohort of police admits before Project Confirm was fully implemented (January 1997 to August 1998) to the cohort of police admits after Project Confirm began and overcame some of its initial implementation problems (September 1998 to September 1999).<sup>10</sup> The design also included two cohorts of nonfoster children—those detained before and after Project Confirm—to control for overall trends in release rates from juvenile detention. Thus, to estimate the effect of Project Confirm, we compared the difference in detention rates between foster youth and nonfoster youth before and after Project Confirm was implemented.

### *Data and Sample*

The analytic database was created by matching records between administrative data from the New York City child welfare and juvenile justice systems. We matched identifying information on all juvenile detainees from the 3-year time span (1997 to 1999) to child welfare records with different combinations of name, date of birth, and other identifying characteristics. Using this technique, we identified whether a teen resided in foster care at the time of the admission to detention. The database included all variables stored in the juvenile detention records on detainees, including their admission and discharge dates, charge levels, the county in which their case was heard, and placements in juvenile prison.



TABLE 1  
Differences Between Foster and Nonfoster Cases

	<i>Foster Care</i>	<i>Nonfoster</i>	<i>Percentage-Point Difference</i>
Number of cases	583	4,028	
Percentage who are			
Female	28.1	17.1	11.0***
Black	69.8	64.4	5.4**
Hispanic	28.1	29.6	-1.5
White	1.7	4.3	-2.6**
Age 13 or older	95.5	94.8	0.7
Percentage charged with			
Below C felony	58.7	55.1	3.6
C felony or higher	35.3	38.2	-2.9
Warrant	6.0	6.7	-0.7
Percentage never detained before	73.6	76.4	-2.8
Percentage court cases in			
Brooklyn	25.4	29.8	-4.4**
Bronx	24.2	25.4	-1.2
Manhattan	20.8	22.1	-1.3
Queens	20.8	16.8	4.0**
Staten Island	8.9	5.9	3.0**

NOTE: A chi-square test was used to test for statistically significant differences between foster and nonfoster juveniles.

\*Significant at 10%. \*\*Significant at 5%. \*\*\*Significant at 1%.

Also included in the data were children's child welfare records, such as the dates of their movements between foster homes, the number of times they went on unauthorized absence from these homes (AWOL), and the types of homes in which they lived.

The analytic sample included 4,611 juveniles detained between 1997 and 1999.<sup>11</sup> Thirteen percent ( $n = 583$ ) of these individuals resided in foster care at the time of their arrests. The group of juveniles in foster care included a greater percentage of females, Blacks, and youth whose cases were heard in Queens and Staten Island than the group not in foster care (see Table 1). Correspondingly, there were fewer Whites and juveniles with cases in Brooklyn among foster than among nonfoster youth. The young people in the two groups were similar with respect to age, charge level, and previous detentions—the variables that should be most important to a judge in making a decision to detain.

#### *Analytic Strategy*

A logistic regression was used to determine the size of the foster care disparity before and after Project Confirm, controlling for legal (juvenile justice) and extralegal (mostly demographic) variables. The specification is as follows:

$$\ln(P/(1-P))_i = a + b_1F_i + b_2PC_i + b_3FPC_i + b_4\mathbf{X}_i + \varepsilon_i \quad (1)$$

where  $P$  is the probability of being detained,  $F$  is foster care status (1 = foster care, 0 = nonfoster care),  $PC$  is detained prior to or after Project Confirm implementation (1 = after Project Confirm; 0 = before Project Confirm),  $FPC$  is the interaction between  $F$  and  $PC$  (in

other words, the “treatment” variable capturing those foster youth who received program services),  $\mathbf{X}$  is a vector of nonredundant covariates,  $\epsilon$  is the error term, and  $i$  indicates juveniles. If a foster care disparity existed prior to the program, we expected the coefficient for the foster care status variable ( $b_1$ ) to be positive, substantial in magnitude, and statistically significant. If changes in detention rates occurred between the two time periods, the coefficient on the pre-/post-Confirm variable ( $b_2$ ) should be statistically significant in either direction. The effect of Project Confirm on the foster care disparity is found in the coefficient on the interaction of foster care and the pre-/post-Confirm variable ( $b_3$ ); a statistically significant negative coefficient would indicate that the disparity was reduced.

The vector  $\mathbf{X}$  includes two legal variables that tend to play a large role in pre-adjudication detention decisions—charge level and prior arrests that resulted in detention (e.g., Bailey, 1981; Pawlak, 1977). The model also includes the New York City county (or borough) in which the case was heard because the variation across the counties in court cultures, politics, philosophies, and standards could influence detention decisions (e.g., Cohen & Kluegel, 1979; Feld, 1999; Pawlak, 1977; Schwartz, Barton, & Orlando, 1991).<sup>12</sup> Standard demographic variables—age, race, and gender—are also included to control for the possible influence of extralegal factors on detention decisions.

Corresponding to the corollary hypothesis that the program would affect groups differently according to the severity of their records, separate models were estimated for juveniles charged with misdemeanors or minor felonies and no prior detentions (referred to here forward as “less serious cases”) and for juveniles charged with C felonies or higher, warrants or with a prior record of detention (referred to here forward as “more serious cases”). Subgroup program effects were also examined by gender, race, and court county.

## Findings

To set the stage for the analyses, Table 2 shows the percentages of foster and nonfoster juveniles who were detained before and after Project Confirm’s implementation. The results indicate that before the program, 55.5% of foster care juveniles were detained in comparison to only 48.3% of nonfoster juveniles, a statistically significant difference and evidence that foster care children were indeed detained at higher rates. Moving down the column to the next few rows reveals the foster/nonfoster difference in detention rates among the less serious cases and more serious cases. The table indicates that among the less serious group, foster juveniles were detained at significantly higher rates but that there was no foster care disparity among more serious cases. The next two columns reveal the differences after the program was implemented. For juveniles as a group and for the less serious offenders, the foster/nonfoster difference is statistically insignificant, indicating no disparity. Yet among the more serious cases, there now appears a very large difference in the opposite direction expected: Foster juveniles are detained at a much higher rate.

Are these raw differences in detention rates driven by differences in the presenting charges and characteristics of the juveniles? And can the changes in these patterns be attributed to Project Confirm? Answers to these questions are found in Table 3, which provides the estimated odds ratios and confidence intervals from the logistic regression used to identify program impact, controlling for legal and extralegal influences on detention. The odds ratio on the foster care variable is statistically significant and positive, providing evidence of differences in confinement between foster and nonfoster youth before the program was implemented. Prior to Project Confirm, foster care status increased the odds of detention by



TABLE 2  
Percentage Detained Before and After Project Confirm Implementation,  
Foster and Nonfoster Juveniles by Seriousness of Case

	<i>Before Project Confirm</i>		<i>After Project Confirm</i>	
	<i>Number of Cases</i>	<i>% Detained</i>	<i>Number of Cases</i>	<i>% Detained</i>
All cases				
Foster	353	55.5**	230	56.5
Nonfoster	2,480	48.3	1,548	50.9
Less serious cases				
Foster	158	44.3**	106	34.9
Nonfoster	1058	33.3	698	38.7
More serious cases				
Foster	195	64.6	124	75.0**
Nonfoster	1422	59.4	850	60.9

NOTE: Tests of statistical significance refer to the difference between foster and nonfoster. "Less serious cases" refers to juveniles who were charged with below C felony crimes and who had never been previously detained; "more serious cases" refers to juveniles who were charged with above C felony crimes or who had been previously detained.

\*Significant at 10%. \*\*Significant at 5%. \*\*\*Significant at 1%.

TABLE 3  
Odds Ratios From Logistic Regression of Detention, All Cases

	<i>Odds Ratio</i>	<i>Confidence Interval</i>
Foster care	1.348	1.059-1.715**
Post-Project Confirm	1.170	1.020-1.341**
Foster Care × Post-Project Confirm (treatment)	0.973	0.663-1.428
Never detained before	0.254	0.217-0.298***
Charged with below C felony	0.530	0.467-0.602***
Female	0.958	0.814-1.127
Age 13 or older	1.169	0.884-1.544
Black	0.917	0.696-1.209
Hispanic	0.987	0.738-1.319
Court in Bronx	2.241	1.885-2.664***
Court in Manhattan	3.019	2.525-3.610***
Court in Queens	2.098	1.735-2.536***
Court in Staten Island	1.217	0.922-1.605
Intercept	1.348	1.059-1.715***
Number of observations	4,611	
Chi-square likelihood ratio test	641.98 ( $p < .0001$ )	

NOTE: For the court county variable, the left-out county is Brooklyn.

\*Significant at 10%. \*\*Significant at 5%. \*\*\*Significant at 1%.

approximately 35%, all else being equal. The odds ratio on the post-program variable indicates that there was a small increase in detention rates between the two time periods. The odds ratio on the treatment variable—the interaction of foster care and post program—is statistically insignificant, indicating that there was no change in the foster care disparity fol-

TABLE 4  
Odds Ratios on Foster Care Variables  
From Logistic Regression of Detention by Seriousness of Case

	<i>Odds Ratio</i>	<i>Confidence Interval</i>
Less serious cases		
Foster care	1.542	1.093-2.203**
Foster Care $\times$ Post-Project Confirm	0.562	0.321-0.985**
Number of observations	2,020	
More serious cases		
Foster care	1.212	0.882-1.666
Foster Care $\times$ Post-Project Confirm	1.662	0.971-2.848*
Number of observations	2,591	

NOTE: "Less serious cases" refers to juveniles who were charged with below C felony crimes and who had never been previously detained; "more serious cases" refers to juveniles who were charged with above C felony crimes or who had been previously detained. Regressions also include dummy variables indicating whether detained after Project Confirm, gender, race, age, and court county.

\*Significant at 10%. \*\*Significant at 5%. \*\*\*Significant at 1%.

lowing the introduction of the program. Other variables in the model yield expected relationships—no prior detentions and lower charges (below a C felony) reduce the likelihood of detention, whereas demographic traits (gender, age, and race) have no relationship to detention. There are also significant differences in the detention rates of the various court counties.

We expected the program to have a larger effect in less serious cases as the absence of a release resource is one of the few reasons to detain juveniles with minor records. Table 4 provides the odds ratios on the two most relevant variables from regressions estimated separately for the less serious cases and the more serious cases. Among the less serious cases, the estimated odds of being detained were approximately 54% higher for foster than non-foster children before the program was launched. These odds were substantially reduced (by half) following the program. Thus, although the program showed no effect for foster juveniles in aggregate, it had a much stronger effect on foster youth charged with less than a C felony and no prior detentions, a group that makes up 46% of the population eligible for program services.

The table also shows that the opposite occurred among juveniles with more serious records: teens facing C felony or above charges, before the court on warrants from prior arrests, or with a previous detention. Among these youth, there was no disparity in detention between foster and nonfoster juveniles before the program and yet the odds of detention for foster youth relative to nonfoster youth increased following the introduction of Project Confirm.

We also examined the change in the foster care disparity according to gender, race, and court county to see whether the foster care disparity and the program effect differed for these subgroups.<sup>13</sup> Perhaps the most striking numbers in the table are the extensive differences in the foster care effect before Project Confirm began. This analysis shows that the disparity was greatest among female and Hispanic youth and among youth whose cases were heard in the Bronx or in Manhattan. In addition, for several of the subgroups—boys, Blacks, and youth with cases heard in Brooklyn, Queens, and Staten Island—there was no foster care disparity before Project Confirm. The odds ratios on the treatment variable (fos-

TABLE 5  
Odds Ratios on Foster Care Variables From Logistic Regression of Detention  
by Gender, Race, and Court County

	<i>Odds Ratio</i>	<i>Confidence Interval</i>
Male ( <i>n</i> = 3,759)		
Foster care	1.197	0.907-1.581
Foster Care × Post-Confirm	0.991	0.634-1.550
Female ( <i>n</i> = 852)		
Foster care	2.020	1.230-3.317***
Foster Care × Post-Confirm	0.811	0.376-1.753
Black ( <i>n</i> = 3,000)		
Foster care	1.162	0.872-1.550
Foster Care × Post-Confirm	1.223	0.770-1.945
Hispanic ( <i>n</i> = 1,356)		
Foster care	1.855	1.164-2.957**
Foster Care × Post-Confirm	0.508	0.247-1.044*
Court in Brooklyn ( <i>n</i> = 1,349)		
Foster care	0.822	0.478-1.416
Foster Care × Post-Confirm	1.661	0.765-3.610
Court in Bronx ( <i>n</i> = 1,162)		
Foster care	1.982	1.203-3.268***
Foster Care × Post-Confirm	0.745	0.340-1.633
Court in Manhattan ( <i>n</i> = 1,012)		
Foster care	1.739	1.034-2.924**
Foster Care × Post-Confirm	0.676	0.275-1.658
Court in Queens ( <i>n</i> = 796)		
Foster care	1.130	0.665-1.919
Foster Care × Post-Confirm	1.051	0.445-2.478
Court in Staten Island ( <i>n</i> = 290)		
Foster care	1.116	0.485-2.567
Foster Care × Post-Confirm	1.073	0.283-4.066

NOTE: Regressions also include all relevant control variables.

\*Significant at 10%. \*\*Significant at 5%. \*\*\*Significant at 1%.

ter care and post-program status) indicate that, in most cases, the risk of detention was lower after the program was implemented; however, the effect was only statistically significant (and marginally so) in the case of Hispanics. Among Hispanics, the risk of detention for foster youth (which was almost 2 times higher than the risk for nonfoster youth) was cut in half following program implementation.

## Discussion

As in all studies, our evaluation methodology has some limitations. Because Project Confirm offered services citywide very early in its development, we were unable to include a contemporaneous control group of foster youth that did not receive program services. This weakness reduces our confidence in attributing changes in detention rates solely to Project Confirm. Although we did not identify any policy or demographic changes that may have affected foster and nonfoster youth in different ways during the period studied, it is possible that such changes occurred. We minimized this possibility by restricting our pre-Project

Confirm group to youth detained within the year and a half prior to the program, although we had information on youth who were detained several years prior.

Importantly, because of data limitations, we may have also omitted variables that influence detention decisions and consequently biased our estimates. These include school attendance, arrests that did not result in detention, and other factors that were not recorded in the available databases. We are also missing a key intervening variable—whether an adult showed up in court and, if so, what role the adult played in the detention decision. Without this information, we cannot be certain that the foster care disparity before Project Confirm occurred because youth lacked release resources and that the presence of resources following Confirm led to the decline in the disparity for some groups.

Despite these limitations, we think that the study provides sufficient information to evaluate the effectiveness of Project Confirm. In short, the study indicates that the program had no effect on disparities in detention between foster and nonfoster youth overall and widely varying effects for subgroups of the population. To understand these findings, we met with program staff and reviewed the observations and notes we collected as the program was being implemented. A closer look at some of the reasons why judges detain juveniles helped to interpret the results of the evaluation.

#### *The Importance of Unauthorized Absences From Foster Care*

Examining the program's effect separately for juveniles with minor and more serious records reveals why the overall effect was modest. Project Confirm substantially reduced the disparity for youth facing low-level charges and with no prior detention history. In contrast, the program may have created or increased the disparity for youth facing higher-level charges or with a prior detention history. What explains the increase in the disparity in these cases? Answering this question requires a more comprehensive understanding of the foster care disparity, what Project Confirm does, and the limits of the program's intervention.

Project Confirm intervenes in the juvenile justice process in two primary ways: by ensuring the presence of a responsible adult to take custody in the event of release and by providing additional information that might not otherwise reach court officials. Having a release resource unambiguously overcomes one obstacle to release—not having a release resource is one reason why court officials may detain juveniles. Providing more information, however, may increase or decrease the chances of release, depending on the facts made available. Indeed, given that court officials look for signs that an offender poses a risk of flight or danger to the community or himself, knowing a youth's full history may increase the chances of exposing information that heightens such concerns. One such piece of information is the juveniles' history of running away from their homes; at least one study has confirmed that prior runaway increases the likelihood of detention among the general youth population (Sumner, 1970). For foster children, a record of unauthorized absences from foster care may do the same. According to Project Confirm staff, many court officials detain juveniles with even one previous AWOL. Among the 583 foster youth in our sample, detention was much higher among youth with at least one AWOL than among youth with no AWOL record: 64% and 50%, respectively ( $\chi^2 = 11.5, p < .001$ ).

AWOL events may play only a small role in cases involving misdemeanor or minor felony offenders with no prior record. Aside from the lack of a release resource, there are few reasons for court officials to detain juveniles with minor records, and the expense of detention facilities provides a further disincentive for their use. Although juveniles facing low-level charges may have an AWOL history, prosecutors may be less likely to request

such information than they are in more serious cases. Therefore, ensuring that a release resource is present in court should all but guarantee equal treatment between foster and nonfoster teens, even for foster juveniles with AWOL records. Following this logic, Project Confirm should and does have a strong effect on reducing the disparity among youth with no prior detentions facing minor charges.

In contrast, the presence of a release resource for youth charged with more serious offenses or with a prior record, although a necessary precondition for release, may not be sufficient. In such cases, the juveniles' school and home lives may weigh more heavily in prosecutors' determination of the risk of further offending or failure to appear. An AWOL record is almost certain to be revealed in these cases and to be interpreted as a sign that the juvenile will not show up to the next court hearing.

AWOL records reveal why a foster care disparity could not be completely eliminated by simply ensuring that caseworkers came to court. But what could explain the apparent increase in the disparity for the more serious offenders with the introduction of Project Confirm? Indeed, the analysis showed that no disparity existed before the program for this group but that one was created after the program began. Through conversations with program staff, we identified two ways that the program may have increased detention for foster juveniles facing more serious charges: by changing who appeared in court and by increasing prosecutors' knowledge of the kinds of information that could influence judicial decisions to detain youth in foster care.

Before Project Confirm, when an adult showed up for foster juveniles in delinquency cases, it was often a group-home child care worker, foster parent, or biological relative. Because these individuals are less likely to know about the youth's runaway history, the information was rarely revealed to court officials. Caseworkers, on the other hand, are required to have extensive knowledge of a child's foster care history, including their runaway records. Project Confirm may have increased the likelihood that court officials learn of AWOL events by getting well-informed caseworkers to court instead of, or in addition to, the other adults that sporadically appeared in court prior to the program.

A second possibility is that prosecuting attorneys are now more likely to ask about a juvenile's AWOL history when determining whether a juvenile should be detained. Although some prosecutors may have used AWOL records as indication of risk prior to Project Confirm, others might not have requested AWOL information until Project Confirm began to spread awareness about the foster care population. It is possible that some prosecutors now request AWOL information instantly on learning of a juvenile's foster care status and base their decisions largely on the teen's history of unauthorized absences.

Although we cannot know for certain whether AWOL records explain the remaining foster care disparity among more serious cases, we can attempt to uncover their importance by removing foster juveniles with AWOL records from our analysis of more serious offenders and by reexamining differences in detention rates among those youth arrested following the program's launch. Among this subsample of 922 juveniles, the difference in the percentage of foster and nonfoster youth with serious records who were detained was statistically insignificant: 69% of foster youth versus 61% of nonfoster youth ( $\chi^2 = 2.03, p = .154$ ). This suggests that the increase in detention for these foster care cases may be partially explained by changes in information about AWOL records. Bringing caseworkers to court for juveniles facing high charges with prior records, but no AWOL history, may equalize their risk of detention relative to similar youth not in foster care.

In short, by improving the quality of information made available to the court, Project Confirm may have increased the disparity in detention between foster and nonfoster youth

charged with higher-level offenses or with prior detentions. Project Confirm appears to have increased what court officials believe is necessary detention for one particular group of foster juveniles.

#### *Differences in Program Effect by Gender, Race, and Court County*

The analysis also reveals that the foster care disparity and Project Confirm's effect varied substantially according to race, gender, and court county. Specifically, before Project Confirm, girls faced a very large foster care disparity that the program was unable to eliminate, whereas there was no such disparity among boys. In addition, the program reduced the large foster care disparity among Hispanics but had no effect on the large disparities in the Bronx and Manhattan. What explains these differences and how should they be interpreted?

We discovered a relatively large foster care disparity among girls prior to Project Confirm, some of which may be explained by the high rates of AWOL among foster girls. In our sample, 59% of the girls had a prior AWOL versus 41% of boys ( $\chi^2 = 15.3, p < .001$ ). These AWOL differences may also explain why Project Confirm was unable to remove the disparity against females in foster care. We conducted further analysis of the female population and found that there was no foster care disparity among girls without AWOL records following the introduction of Project Confirm; the rate of detention among foster girls (without AWOL records) and nonfoster girls was 41% and 43%, respectively, a statistically insignificant difference ( $\chi^2 = 0.069, p = .792$ ).

The high level of disparity and Project Confirm's effect on the disparity for Hispanic foster youth suggests that having a caseworker present for this population is especially important. Unlike females, the pre-program disparity against Hispanics in foster care could not be explained by higher rates of AWOL. Were this the case, the program would not have been able to eliminate the disparity as it did. Instead, program staff reported that some Hispanics had language barriers that limited communication with court officials. It is also possible that some Hispanics may come from cultures that have negative experiences with law enforcement agencies that may further limit communication. This difficulty may have been exacerbated when Hispanic foster youth had foster parents, relatives, and other potential release resources with limited English-language skills. Therefore, having a caseworker in court who can serve as an interpreter of both the language and the process may have made a substantial difference for this subgroup.

The foster care disparities varied tremendously according to court county. Because the AWOL rates of teens from these different counties do not vary substantially, we can only assume that the unique court cultures contributed to differential detention rates before Project Confirm. These differences appear to have persisted even after the introduction of the program.

#### *Conclusion*

The juvenile justice and child welfare systems intersect in many ways, yet they do not always coordinate their efforts. The arrest of youth in foster care is one of those incidents that most requires such coordination and may not always receive it. Project Confirm is a concentrated effort in New York City designed to improve the exchange of information and coordinate processes with the ultimate goal of preventing the detention of foster youth in juvenile jails merely because they lack a release resource.

The analysis described here suggests that despite Project Confirm's efforts, foster youth continue to enter detention at disproportionate rates, and court officials still detain many foster youth at higher rates than their nonfoster peers arrested on similar charges. Project Confirm's successful work with low-level offenders shows that this state of affairs is not pre-ordained. Our follow-up discussions with program staff and exploratory analyses suggests that the work that remains may center less on providing new services and more on shaping interpretations of AWOL records among court officials and studying the likelihood that teens who AWOL will fail to appear in court or commit crimes in the interim.

### APPENDIX

#### Sensitivity Analysis, First 2 Months of Project Confirm Operations

As described in the text, the design treats the first 2 months of program operations as "pre-program" to estimate the effect of the program after implementation obstacles have been overcome. We did, however, estimate the model using two alternative approaches. The first approach includes these first 2 months of program operations in the "post-program" group. The second approach omits the first 2 months of program operations from the entire regression. The following appendix table provides the odds ratios from the two approaches along with the odds ratios reported in Table 3, referred to as the third approach in the table below. As shown, the results are similar irrespective of the approach taken.

Odds Ratios From Logistic Regressions of Detention Decisions

	<i>1: First 2 Months of Program Operations Treated as "Post-Program"</i>	<i>2: First 2 Months of Program Operations Omitted From Entire Analysis</i>	<i>3: First 2 Months of Program Operations Treated as "Pre-Program"</i>
Foster care	1.36**	1.37**	1.35**
Post-Project Confirm	1.17**	1.18**	1.17**
Foster Care $\times$ Post-Project Confirm (treatment)	0.95	0.96	0.97
Never detained before	0.25***	0.25***	0.25***
Charged with less than C felony	0.53***	0.53***	0.53***
Female	0.96	0.94	0.96
Age 13 or older	1.17	1.19	1.17
Black	0.92	0.92	0.92
Hispanic	0.99	0.97	0.99
Court in Bronx	2.24***	2.30***	2.24***
Court in Manhattan	3.02***	3.04***	3.02***
Court in Queens	2.10***	2.13***	2.10***
Court in Staten Island	1.22	1.19	1.22
Observations	4,611	4,443	4,611

NOTE: For the court county variable, the left out county is Brooklyn. In column 1, the pre-program group includes those juveniles arrested from January 1997 through June 1998 and the post-program group includes those arrested July 1998 through September 1999. In column 2, the pre-program group includes those juveniles arrested from January 1997 through June 1998 and the post-program group includes those arrested September 1998 through September 1999. In column 3, the pre-program group includes those juveniles arrested from January 1997 through August 1998 and the post-program group includes those arrested September 1998 through September 1999.

\*Significant at 10%. \*\*Significant at 5%. \*\*\*Significant at 1%.



## NOTES

1. For delinquent acts that the police consider less serious, they may release the juvenile to the custody of a guardian with a ticket requiring appearance in court.

2. More recently, federal authorities have sued the justice departments of Louisiana, Georgia, Kentucky, and Puerto Rico for failure to protect juveniles from abuse by staff and other juveniles.

3. The study also finds, however, that among those whose cases resulted in a formal disposition, there was no evidence that pre-trial detention affected the severity of the dispositions (Frazier & Bishop, 1985).

4. The Vera Institute of Justice is a nonprofit organization that plans, demonstrates, and evaluates solutions to problems in the criminal justice and youth-serving systems.

5. For the unpublished findings, contact the Vera Institute of Justice.

6. Vera planners conducted informal interviews with 9 family court judges, more than 75 foster children, approximately 60 staff at ACS, 15 staff from the Department of Probation, and 20 staff from the Department of Juvenile Justice (the agency that operates detention facilities), among others. Those interviewed were selected based on their position, knowledge, and willingness to participate and included commissioners, middle managers, and front-line workers.

7. The authors also used this example to describe the program in the implementation evaluation (Ross & Conger, 2002).

8. Project Confirm began as a demonstration program of the Vera Institute of Justice and is now institutionalized within ACS.

9. Police admits constituted more than 40% of all admissions to detention (excluding teens on warrants from juvenile prisons and juvenile offender cases, neither of whom are releasable from court).

10. Project Confirm's coverage rates following its July 18, 1998 launch were exceptionally high (95% for the year). However, standard implementation obstacles in the first few months of the program limited the program's reach both in terms of the number of eligible juveniles who received services and the amount and quality of services they received. To fairly assess the impact of the program model, we therefore counted the first 2 months of operations as "pre-program" cases. We estimated alternative sensitivity analysis omitting these 2 months of data and found that the results were qualitatively similar (see appendix).

11. This excludes the following three groups of juvenile detainees that the program did not serve: (a) those who were brought to court the same day as their arrest (court admits), (b) juvenile offenders, and (c) juveniles on warrants from prison.

12. Variations in pre-adjudication detention and other justice procedures and outcomes have been found in several studies. For instance, Feld (1999) found that rural courts in Minnesota are less likely to use secure detention prior to disposition. These differences can be partially attributed to differences in the demographic makeup of their respective populations, the severity of the charges, and the resources available. Though New York City is one urban jurisdiction, there is some variation across boroughs in these characteristics as well. And though there is little empirical work demonstrating variations in the use of pre-adjudication detention across boroughs within New York City, Project Confirm staff frequently reported differences in individual judges and other justice personnel's orientations toward the use of pre-trial detention.

13. Subgroup analyses could not be conducted for Whites and by age intervals because there were too few juveniles within the categories.



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# THE EFFECT OF ABUSE IN CHILDHOOD AND IN ADOLESCENCE ON VIOLENCE AMONG ADOLESCENTS

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*This study of 1,031 persons from five public high schools examined the relative effects of elements of control, strain, and social learning theories on violence among younger (< 16 years of age) and older ( $\geq 16$  years of age) adolescents. Of special interest were the differential effects of adult abuse during childhood and during adolescence on violence of these two age groups. Findings show that the effects of abuse by adults during childhood on violence are mediated by other study factors only among older adolescents. Attachments to female caregivers, self-esteem, and fathers' education have inverse relationships, while suicide attempts are positively related to violence only among adolescents 15 years of age or younger. Attachment to father, beliefs, and religiosity are inversely related to violence, whereas feelings of frustration and alienation are positively related to this outcome for both age groups. Implications for theory are discussed.*

**Throughout the 20th century** there has been a Zeitgeist favorable to rehabilitation for youthful offenders in America, based on the assumption that persons inexperienced in crime are more responsive to change efforts designed to foster transition from engaging in unlawful behavior to pursuing conventional achievements than are older offenders entrenched in habitual criminal patterns (Empey, Stafford, & Hay, 1999; Palmer, 1992). Indeed, there remains a lingering optimism that the biopsychosocial factors responsible for unlawful behavior among youth are being identified, understood, and explained well

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enough to guide change efforts (Bartol & Bartol, 1998; Palmer, 1992; Sherman et al., 1997). At the same time, serious questions have arisen over the past three decades (National Commission on the Causes and Prevention of Violence, 1969) about how much is actually known about the sources and rehabilitation of violent offenders (Loeber & Farrington, 1998). These questions concerning knowledge and technology (Finckenauer & Laufer, 1996) have placed youthful violent offenders at the foci of ideological debates between proponents of rehabilitation (e.g., Palmer, 1992) and advocates of punishment philosophies, particularly deterrence and incapacitation through increases in the severity of legal sanctions (Empey et al., 1999; Fagan, 1993; Sharp & Hancock, 1995). The use of judicious waivers to transfer adolescents to criminal court in America are a salient expression of the disillusionment with the efficacy of traditional programs for youth who commit crimes against persons (Hirschi & Gottfredson, 1993).

The resurgence of ideological debates concerning the *raison d'être* of the justice system for violent offenders resulted not only from reservations about the efficacy of the science and treatment of violent behavior and philosophical tenets of correction but also from the magnitude of violent behavior (Loeber & Farrington, 1998). Indeed, the large annual increases in arrest rates for violent crimes in recent years in America have focused the attention of researchers and policy makers on this dimension of crime. For example, between 1987 and 1996, violent crime generally increased 29%, 60% for those younger than 18 years of age and 24% for those 18 years of age or older (Sickmund, Snyder, & Poe-Yamagata, 1997). Aggravated assault increased 43% during this time frame in the general population, 70% among those younger than 18 years of age, and 39% among persons 18 years of age or older. There was a decline in violence rates of approximately 3% in 1995 (Sickmund et al., 1997). The decline in violence among adolescents has continued; for example, between 1994 and 1997, the number of murders involving a juvenile offender dropped 39% (Synder & Sickmund, 1999).

At the same time, an estimated 2,300 murders in 1997 (approximately 12% of all murders) in the United States involved at least one juvenile offender. Thirty-one percent of homicides involved at least one adolescent and an adult. New research reported by the U.S. Department of Justice indicates that law enforcement identified 1,700 ju-

juveniles as offenders in about 1,400 murders in 1997. These figures mean that about 1 out of every 16,000 youth between the ages of 10 and 17 years has been involved in a homicide. Between 1980 and 1997, 93% of known juvenile homicide offenders were male, 55% were Black, and 88% were aged 15 to 17 years. Between 1980 and 1997, adolescent females were more likely (39% compared with 9%) to kill a family member than male adolescents. Conversely, male adolescents were more likely (37% vs. 15%) than female adolescents to murder a stranger.

Moreover, approximately \$5.7 to \$18 billion is spent annually on medical care for victims of violence, and the estimated costs of mental afflictions and lost wages are \$191 billion. Too, most violent offenders engage in multiple types of crimes; for example, half of the individuals arrested for assault or homicide test positive for illicit drug use and two thirds are consuming alcohol during the commission of crimes. Approximately 80% of prison inmates are under the influence of drugs when they are arrested for the committing offense(s) (Synder & Sickmund, 1999).

From another perspective, in recent years any illusions that there are bastions of security from the widespread violence among youthful offenders on the streets have been dispelled in the wake of a series of horrifying murders in public schools, such as the 13 students killed in Littleton, Colorado (Elliott, Hamburg, & Williams, 1998). The concept of a sanctuary or safety zone from violence has disappeared with killings in families, churches, and Jewish community centers, places once thought to be sacred even for those who are homicidal and/or mentally ill or sociopathic. Acts once thought to be very remote and the result of severe mental illness or sociopathy rarely observed among humans are now occurring with frightening regularity. Ironically, the very "nested ecological structures" (Bronfenbrenner, 1979) designed to be agents of society for the socialization of beliefs that support the values of life, liberty, and the pursuit of happiness are the settings in which violence has erupted. Historically, the family, schools, social agencies, and religion have been sanctioned by society to be conveyors of messages of restraint, respect for individual freedom and beliefs, value of life, and unconditional love of others (Elliott et al., 1998; Stark & Bainbridge, 1997; Worthington, 1993).

Recent studies indicate that violence results from a confluence of ecological factors, including neuropsychological, personal feelings and beliefs, familial relations, peer affiliations, and societal influences such as availability of weapons and illicit drugs (see reviews, Benda, 1997, 1999a, 1999b; Benda & Corwyn, 2000; Benda & Toombs, *in press-a*; Fishbein, 2000; Loeber & Farrington, 1998; Smith & Thornberry, 1995; Widom, 1989a, 1989b; 1996; Zingraff, Letter, Johnsen, & Myers, 1993, 1994). Identification of factors that influence violence is critical for developing explanatory models to be tested and to interventions designed to remove or lessen the sources of violent behavior. Indeed, meta-analyses indicate that intervention programs based on theoretical models are about 5 times as effective in reducing criminal behavior as interventions that are not designed with any conceptual framework (Izzo & Ross, 1990). However, whereas there have been many studies of influences on youthful violence, there has been scant attention to differential influences according to developmental stages, despite an extensive literature on adolescent development theories (e.g., Elder, 1985; Erikson, 1968; Feldman & Elliott, 1990; Gormly & Brodzinsky, 1989; Hahn, 1995).

Moreover, there have been investigations of effects on delinquency of childhood abuse by adults; however, the effects on this behavior of abuse by adults during adolescence rarely has been examined (Brezina, 1998). No studies were located that analyzed the effects of abuse by adults during childhood and during adolescence on violence among younger (< 16 years) and among older ( $\geq$  than 16 years) adolescents.

#### PURPOSE OF THIS STUDY

The purpose of this study is fourfold: (a) to examine the effects of childhood abuse by adults on violence among younger and among older adolescents, (b) to determine the effects of abuse by adults during adolescence on violence among younger and among older youth, (c) to investigate whether the effects of childhood abuse by adults on violence among younger and among older adolescents are mediated by the strongest predictors of violent behavior, and (d) to analyze whether the effects of abuse by adults during adolescence on violence are mediated by the best predictors of violent acts. In other words, the

central research questions are whether there are differential effects of early and later abuse on violence of younger and older adolescents and whether the effects of abuse are mediated by the most powerful predictors of violent crimes (Capaldi & Patterson, 1996; Ellickson & McGuigan, 2000; Elliott et al., 1998; Lattimore, Visser, & Linster, 1995; Loeber & Farrington, 1998; Rapp & Wodarski, 1997; Sims & Jones, 1997; Sprague & Walker, 2000; Woodward & Fergusson, 2000). Mediation refers to an occurrence in which the relation between two factors such as child abuse by adults and delinquency is reduced or vanishes when one or more variables are analyzed simultaneously with child abuse and delinquency (Baron & Kenny, 1986). Partial mediation occurs when the relation between child abuse and delinquency is reduced but remains significant after introducing other factors in an analysis, whereas full mediation refers to reducing the relation to nonsignificance.

The hypothesized differential effects of factors on violence according to age are based on developmental explanatory frameworks beginning to emerge in the literature on general delinquency (e.g., Sampson & Laub, 1993; Simons, Wu, Conger, & Lorenz, 1994; Thornberry, 1997). Of special interest are the relative effects of abuse by adults in childhood and in adolescence on violence among younger and older adolescents. For example, are the effects of child abuse on violence more likely to be mediated (Baron & Kenny, 1986) by other study factors among older adolescents because of the temporal distance than among younger youth? Also, are there differential effects of abuse during adolescence on violence between younger and older adolescents? Adolescents in this study are categorized into two age groups because of differences in the effects of abuse in childhood and in adolescence anticipated between these groups. The two groups comprise persons who are 13 to 15 years of age (younger) versus those who are 16 to 18 years of age (older). These age groups are chosen because they are congruent with developmental stages identified in the literature (Elder, 1985; Elliott et al., 1998; Feldman & Elliott, 1990) as relevant to significant differences in social, cognitive, and moral development as well as to increases in various forms of delinquency (e.g., Moffitt, 1993; Sampson & Laub, 1993; Thornberry, 1997). Whereas there have been studies of relationships between abuse and delinquency, rarely have the possible differential effects of early and later

abuse been investigated, and no research was located that examines these effects according to age after controlling for the effects of the strongest predictors of violence among youth (e.g., Boney-McCoy & Finkelhor, 1995; Brezina, 1998).

#### THEORETICAL CONTEXT FOR THE EFFECTS OF ABUSE

Factors for analyses are selected based on their predictiveness and explanatory value (see reviews, Elliott et al, 1998; Loeber & Farrington, 1998; Rapp & Wodarski, 1997). Indeed, the aim is to identify the factors most predictive of violence that are thought to generate or motivate violent behaviors (Andrews & Bonta, 1998). The three preeminent explanations of delinquency generally, and of violence in particular, are social control, strain, and social learning theories (Agnew, 1992, 1999; Agnew & Brezina, 1997; Alarid, Burton, & Cullen, 2000; Battin, Hill, Abbott, Catalano, & Hawkins, 1998; Broidy & Agnew, 1997; Bernburg & Thorlindsson, 1999; Brezina, 1998; Kornhauser, 1978). These three explanations have generated an enormous volume of ardent debate concerning logical and empirical adequacy of the theories (e.g., Agnew, 1995, 1999; Akers, 1996, 1998; Costello, 1997; Hirschi, 1996; Matsueda, 1997). These explanatory frameworks continue to guide research not only because of their theoretical parsimony and coherence but also because they accrue noteworthy empirical support (Agnew, 1995; Akers, 2000; Alarid et al., 2000; Empey et al., 1999). Particularly instructive have been the studies of elements of these theories in the same analysis. In general, studies find elements of all three theories are useful in explaining various forms of delinquency, albeit in comparison some studies find that more elements of social learning theory are significantly related to delinquency (Akers & Cochran, 1985; Benda, 1994; Benda & DiBlasio, 1991, 1994; Burton, Cullen, Evans, & Dunaway, 1994; Kandel & Davies, 1991; Matsueda & Heimer, 1987).

However, in this study it is assumed that elements of social control, strain, and social learning theories have differential effects according to age: Indeed, it is anticipated that elements of social control theory will be more relevant for violence among younger adolescents or those 15 years of age or younger. In contrast, social learning theory is hypothesized to be more relevant to violence among those who are 16



years of age or older (Moffitt, 1993; Sampson & Laub, 1993; Simons et al., 1994; Stroufe, Carlson, & Shulman, 1993; Thornberry, 1997; Thornberry, Krohn, Lizotte, & Chard-Wierschem, 1993).

#### CONTROL THEORY

Control theory (Durkheim, 1897/1951; Hirschi, 1969; Nye, 1958) rests on the Hobbesian assumption that persons are inherently self-gratifying, and what needs to be explained is control over natural impulses such as self-serving violence. According to Hirschi (1969), control over natural urges such as retaliation, vengeance, and intimidation used to gain self-gratification is achieved through bonding, initially to caregivers and later to society. The primary or initial element of bonding is attachment, an empathic identification with caregivers and others that fosters acceptance of conventional beliefs and religion (Ainsworth, 1969; Bowlby, 1969, 1973, 1980; Kirkpatrick, 1997; Kirkpatrick & Shaver, 1990). Attachment is a developmental process through the life span (Kirkpatrick, 1997; Stroufe et al., 1993) that reinforces the moral validity of religious and secular beliefs and enhances one's sense of self-worth (Rosenberg, 1965, 1979). Attachment or emotional closeness to others, conviction about the moral validity of religious and secular beliefs, and high self-esteem act as restraints on the expression of natural impulses and are hypothesized to be inversely related to incidence of violent acts.

#### STRAIN THEORY

Intervening processes between elements of control and social learning theories (Akers, 2000) identified in many recent models are from strain theory (Agnew, 1992, 1993, 1999). Inner strain in the form of feelings of frustration and alienation arise from lack of positive familial support and the presence of negative experiences such as abuse. According to strain theorists, feelings of alienation or frustration "increases the individual's level of felt injury, creates a desire for retaliation/vengeance, energizes the individual to action, and lowers inhibitions," allowing overt expression of these feelings in forms of behavior such as violence (Agnew, 1992, p. 60). Strain theory is still being developed, with new elements and relations being added by

different researchers (e.g., Agnew, 1999; Agnew & Brezina, 1997; Brezina, 1998; Broidy & Agnew, 1997; Hoffman & Su, 1997; Paternoster & Mazerolle, 1994). The authors of this article extrapolate from strain theory that these feelings could be turned inward and lead to suicidal attempts (Benda, 1999a).

In accordance with strain theory, it is hypothesized that frustration, feelings of alienation, and suicide attempts are positively related to frequency of violence. Based on temporal proximity and developmental theory (Brezina, 1998; Sampson & Laub, 1993), the hypotheses are that abuse during childhood will be significant to violence among those who are 15 years of age or younger, whereas abuse during adolescence will be relevant to violent acts for both age groups studied after other factors are considered in the same analyses (Boney-McCoy & Finkelhor, 1995; Finkelhor & Dziuba-Leatherman, 1994; Hill, Howell, Hawkins, & Battin, 1999).

#### **SOCIAL LEARNING THEORY**

Social learning theory should not be interpreted, as is often done, as only explaining how novel criminal behavior is acquired (Akers, 2000, p. 75). "Behavioral principles are not limited to learning but are fundamental principles of performance [that account for] . . . the acquisition, maintenance, and modification of human behavior" (Andrews & Bonta, 1998, p. 150). Social learning theory offers an explanation of violence that embraces processes that operate both to motivate and control criminal behavior both to promote and undermine conformity (Akers, 2000, p. 75). The four primary processes identified by Akers (2000) as contributing to violence are: (a) differential association, (b) definitions, (c) differential reinforcement, and (d) modeling or imitation.

Differential association has both an interactional and a normative dimension. If persons interact regularly with peers who engage in violent acts, then they increase their likelihood of also participating in violence. The normative dimension is the different patterns of norms and values to which an individual is exposed through associations (Akers, 2000, p. 76). Definitions are one's own attitudes or meanings that are attached to particular behaviors: They are orientations, rationalizations, and other evaluative and moral attitudes that define the

commission of acts as right or wrong, good or bad, justified or unjustified. Differential reinforcement refers to the balance of anticipated or actual rewards and punishments that follow or are consequences of behavior. Whether individuals will refrain from or commit violent acts at any given time (and whether they will eschew or continue these acts in the future) depends on the past, present, and anticipated future rewards and punishments for their actions. Finally, modeling or imitation refers to the engaging in violence after observing violent acts being committed by associates. Whether or not the behavior modeled by others will be imitated is affected by the characteristics of models, the acts observed, and the observed consequences of the actions (Akers, 2000, pp. 78-79).

In sum, several studies demonstrate that a combination of elements from each of these theories explains more variance and provides a more adequate explanatory model than any one of these theories (Alarid et al., 2000; Benda, 1997; Benda & Whiteside, 1995; Bernburg & Thorlindsson, 1999; Brezina, 1998). Hence, elements of each of these three theories are examined in analyzing the relationships between abuse in childhood and in adolescence and violence among younger adolescents and among older adolescents.

## METHOD

### SAMPLE

A simple random sample of 1,031 adolescent persons aged 13 to 18 years from five public high schools was drawn with a computer program. The random samples came from two public high schools in a large metropolitan city on the East Coast ( $n_1 = 217$ ;  $n_2 = 143$ ), one public school in a small city in the South ( $n = 247$ ), and two public schools in rural areas of the same southern state ( $n_1 = 314$ ;  $n_2 = 110$ ). These samples represented almost exactly one third of the respective school populations, and the schools were selected to give a better representation of the adolescent population in public schools than using a single locale. A comparison of characteristics showed that the samples were representative of the respective school populations.

Characteristics of the study participants are shown in Table 1. To summarize, the respondents range in age from 13 years to 18 years, with a mean, median, and mode of 15.

There were 493 students aged 13 to 15 years (classified as younger adolescents in the study), whereas 507 persons were 16 to 18 years of age (classified as older adolescents). The majority (69%) of the persons of color are African Americans; 26% of the sample are persons of color. Thirty-one percent of the respondents who completed surveys from these high schools have at least one violent offense. Other particularly interesting data show that about 26% carry weapons, 33% use illicit drugs, and 22% had sold these substances. Fifteen percent report having been abused by an adult before 12 years of age, and about 12.5% indicate that they have been abused by an adult after that age period. There are 28% of the younger adolescents who have committed crimes against persons, whereas 33% of the older youths had committed these offenses. Moreover, the averages on the violence scales for these age groups did not significantly ( $\alpha = .05$ ) differ on a *t* test for equal variances.

#### PROCEDURE AND DATA

The 150-item questionnaire was administered during students' homeroom period, which was their first class of the day. The questionnaire was administered by a research associate, who had five research assistants available to monitor, clarify wording, answer questions, and to interview those who could not read well. The students were assured of confidentiality and anonymity by having them examine the questionnaire for any marks that would identify the respondent, and no identifying information was gathered.

Only five parents refused their children's participation in the study, whereas no student directly refused to participate in the study. Instead, 26 adolescents failed to answer about 50% of the questions, which typically were about critical variables in the study. Those 26 non-respondents were not included in the analyses, and their profile of being from single-parent families, being young, having poor attachment to caregivers, and having poor self-esteem is characteristic of adolescents who fail to respond to surveys (Loeber & Farrington, 1998).

**TABLE 1**  
**Characteristics of the Sample (N = 1,000)**

<i>Age (in years)</i>	<i>Mean: 15.1</i> <i>Frequency</i>	<i>Range: 13-18</i> <i>Percent</i>
Race		
Caucasian	740	74.0
African American	180	18.0
Asian American	25	2.5
Hispanic American	55	5.5
Family structure before age 12		
Both biological parents	458	45.8
Biological and step	278	22.8
Mother only	191	19.1
Father only	51	5.1
Other	22	2.2
Family structure after age 12		
Both biological parents	424	42.4
Biological and step	325	32.5
Mother only	221	22.1
Father only	19	1.9
Other	11	1.1
Mother's education <sup>a</sup>		
No high school diploma	243	24.3
High school diploma	410	41.0
Some college	223	22.3
College graduate	110	11.0
Graduate school	10	1.0
Missing data	4	0.4
Carry gun		
Never	723	72.3
Carry sometimes	260	26.0
Missing data	17	1.7
Use illicit drugs		
Never	649	64.9
Used drugs	332	33.2
Missing data	19	1.9
Sold illicit drugs		
Never	749	74.9
Sold drugs	219	21.9
Missing data	32	3.2
Crimes against persons		
No	624	62.2
Yes	307	30.7
Missing data	69	6.9

(continued)

TABLE 1 Continued

<i>Age (in years)</i>	<i>Mean: 15.1 Frequency</i>	<i>Range: 13-18 Percent</i>
Abused < 12 years		
No	815	81.5
Yes	149	14.9
Missing data	36	3.6
Abused ≥ 12		
No	831	83.1
Yes	125	12.5
Missing data	44	4.4

a. Father's education was nearly identical to mother's education.

#### DEPENDENT VARIABLE

The outcome or dependent variable is violent behavior. Items used to measure crimes against persons or violence are: (a) attacking someone for the purpose of causing severe injury; (b) taking anything from someone by force or the threat of force, (c) sexual assault, (d) being in gang fights, and (e) using a weapon on someone causing physical injury to the point that the person had to be hospitalized. These commonly used items have been reported to be a valid measure of violent behavior (Lattimore et al., 1995). Cronbach's (1951) alpha was .75 and the corrected item-to-total correlations ranged from .60 to .91 for the items. A maximum likelihood factor analysis, using an oblimin rotation, clearly indicated these items load on one factor, with loadings ranging from .67 to .89. Respondents were asked to report the total number of times they had committed each of the five crimes against persons in their lives, and a summated score from the five items was used. The average number of crimes against persons did not vary significantly between younger ( $M = 3.74$ ,  $SD = 10.95$ ) and older ( $M = 3.99$ ,  $SD = 7.96$ ) according to a two-tailed  $t$  test for equal variance ( $t = -1.544$ ).

#### PREDICTORS

Psychometric properties of all observed variables are shown in Table 2. All variables indicated a skewness and a kurtosis within nor-

**TABLE 2**  
**Psychometric Properties of Theoretical Factor**

	<i>Mean</i>	<i>SD</i>	<i>α</i>	<i>Item to Total r's</i>	<i>Factor Analysis</i>	<i>Kurtosis</i>	<i>Skewness</i>
Attachment to mother	11.3	4.33	.91	.85-.90	.74-.89	-0.9	0.7
Attachment to father	12.5	2.91	.90	.83-.91	.70-.90	0.9	0.9
Beliefs	3.8	.55	.80	.76-.87	.55-.84	1.0	1.5
Religiosity	5.2	1.13	.83	.60-.78	.47-.79	-0.8	-0.9
Self-esteem	18.7	3.89	.88	.72-.96	.61-.93	1.0	0.9
Sexual abuse	1.1	.66	—	.95 & .96	—	1.8	1.9
Physical abuse	1.4	.89	—	.90 & .95	—	2.9	2.0
Frustration	11.0	4.54	.87	.70-.93	.65-.89	0.9	0.9
Alienation	1.9	1.11	.93	.86-.94	.89-.95	0.9	1.3
Peer association	8.3	4.19	.84	.66-.90	.60-.86	0.9	0.9
Modeling	5.9	1.18	.86	.76-.93	.79-.88	0.9	1.0
Rewards	6.8	1.56	.88	.85-.97	.83-.91	0.9	0.8
Definitions	1.8	.56	.80	.44-.89	.56-.95	1.8	1.2
Crimes against persons <sup>a</sup>	2.1	5.91	.86	.76-.90	.65-.89	3.0	4.1

NOTE: — indicates too few items for statistic.

a. Crimes against persons constitute the outcome. Factor analyses are maximum likelihood estimation, using oblique (oblimin) rotation.

mal ranges. Skewness and kurtosis for crimes against persons were borderline, and because these items also rely on recall, consideration was given to transforming the drug measures by computing the natural logarithm + 1 to normalize the distribution. However, because OLS regression procedures are relatively robust to violations of normality and transformed variables compromise interpretation of the data, analyses were performed using raw scores. Also, it was the case that using a natural logarithm of the scores from the measure of crimes against persons revealed the same findings as those reported.

#### MEASURES OF PREDICTORS

Race (0 = White, 1 = person of color) and family structure most of the years of growing up (0 = both biological parents residing together with respondents most of their lives, 1 = other) are dichotomies, whereas age is interval data and father's education is ordinal data

(ranging from 1 = does not have high school diploma to 5 = graduate school).

#### SOCIAL CONTROL THEORY

Attachment: The same three items (5-point Likert-type scales ranging from *very much* to *very little*) are used to measure both attachment to mother and to father: (a) how much do you like to be with, (b) how close do you feel to, and (c) how much do you want to be like \_\_\_\_\_ (or female and male caregiver). Attachment to female and to male caregivers are analyzed as separate factors based on gender role perspectives (Agnew & Brezina, 1997; Gilligan, 1982) and factor analyses in several data sets by the authors (Benda & Corwyn, 1998, 2000; Benda & Toombs, in press-a).

Beliefs are measured with four items (5-point Likert-type scales ranging from *strongly disagree* to *strongly agree*) asking if (a) it is okay to sneak into a movie or ball game without paying, (b) it is important to obey rules and laws, (c) it is wrong to damage others' property, and (d) it is important to pay for all things taken from a store. These are commonly used measures adapted from Hirschi (1969) and Marcos and Bahr (1988) and are reported to have good validity.

Religiosity is five items (5-point scales) adopted from Woodroof (1985) measuring (a) church attendance (ranging *once a month or less* to *three times a week*), (b) prayer (ranging from *never* to *daily*), (c) church activity (ranging from *never involved* to *very involved*), (d) talk about religion (ranging from *never* to *daily*), and (e) trying to convert someone (ranging from *never* to *frequently*).

Self-esteem is measured with a well-established 10-item scale developed by Rosenberg (1965). This scale has a Guttman scale coefficient of reproducibility of .92, indicating excellent internal consistency. Two studies of 2-week test-retest reliability show correlations of .85 and .88, indicating excellent stability. A great deal of research demonstrates the concurrent, known-groups, predictive, and construct validity of Rosenberg's self-esteem scale (Fischer & Corcoran, 1994, p. 518).



### STRAIN THEORY

Physical abuse is measured with two items (4-point Likert-type scales ranging from *never* to *more than 10 times*) asking how often respondents had been physically abused (a) before 12 years of age, and (b) after 12 years of age by any adult. Abuse was defined as any physical contact that resulted in severe cuts, bruises, welts, or other marks that took a few days to disappear; in concussions or breaking of bones; or in scalding or burns. Sexual abuse also was measured with two items (same 4-point scales) asking how often the respondent had been sexually abused by an adult during the same time periods. Sexual abuse is defined as any touching of the genitals, oral or anal intercourse before 12 years of age, and any of these acts after 12 years of age. Physical and sexual abuse are summed to create the variable of abuse before 12 years of age, and the same summated score indicated abuse after that age period.

A measure of frustration is adopted from Agnew (1993): (a) loses temper easily, (b) irritated by small things, (c) holds grudges, (d) verbally attacks others, and (e) physically attacks others (5-point scales ranging from *all the time* to *never*). Alienation is measured with one indicator of three items (5-point scales ranging from *never* to *all of the time*): (a) feel friends don't care about me, (b) feel family doesn't care about me, and (c) I don't fit into society. These alienation items are selected from scales used to measure this concept (Fischer & Corcoran, 1994). Suicide attempts are measured with one item asking how many times they had attempted suicide in the past year: 1 = *never*, 2 = *once*, 3 = *2 or 3 times*, 4 = *4 or 5 times*, 5 = *6 or more times*.

### SOCIAL LEARNING THEORY

From social learning theory, peer association (peers) is measured by five items (5-point scale ranging from *none* to *four or more*) asking how many close friends (a) had been picked up by police, (b) use illegal drugs regularly, (c) drink three or more beers or glasses of liquor or wine per day regularly, (d) steal regularly, and (e) have used a weapon on someone. Definitions were measured by eight items (4-point scales

ranging from *strongly disagree* to *strongly agree*) asking if heavy use of alcohol, drug use, stealing, and using force on someone were okay because it really harms no one and because everyone does these acts (one item for each offense under each condition). Differential rewards were measured by four items asking if the rewards of each act listed for the previous factor outweighed the costs (same 4-point scales also used). Modeling was measured with four items asking if friends' behavior influenced them (a) to consume alcohol, (b) to use illegal drugs, (c) to steal, and (d) more than family (4-point Likert-type scale from *strongly disagree* to *strongly agree*). All of these social learning scales are commonly used to measure the concepts studied, with reports of good validity (Akers, 2000).

#### STATISTICAL ISSUES

A correlational matrix of all study factors, using Pearson product-moment correlations, was examined prior to conducting the regression analyses: The only correlations above .20 were between beliefs and excuses (.48), between beliefs and peer association (.36), and between peer association and gang membership (.40). Hence, tolerance tests and variance inflation factor (VIFs) also were examined for multicollinearity (Freund & Wilson, 1998).

Tolerance is the proportion of the variance of a variable not associated with predictors already entered into the equation ( $1 - r^2$ ). Tolerance indicates interrelatedness of predictors considered. When multicollinearity exists it is difficult for one factor to vary while others are held constant, and thus, little information on a partial regression coefficient is learned. The VIF quantifies this effect by stating that the effective dispersion of a particular predictor is reduced by  $(1 - r^2)$ , which then increases the variance of that estimated coefficient. These tests do not indicate that there is a problem with multicollinearity. No variable is missing more than 5% of the data, and the vast majority have less than 3% missing cases. Data are analyzed with ordinary least squares (OLS) regression procedures (Freund & Wilson, 1998). OLS procedures choose coefficients associated with the smallest sum of squared errors in the fit of the model to data.

**TABLE 3**  
**Hierarchical Ordinary Least Squares**  
**Regression Analysis of Violent Offenses According to Age**

<i>Predictors</i>	<i>15 Years of Age or Younger</i>			<i>16 Years of Age or Older</i>		
	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>
Abuse < 12 years old	.55**	.54**	.50**	.20**	.12	.09
Abuse ≥ 12 years old	.60**	.55**	.50**	.71**	.68**	.60**
Demographics						
Gender		.71**	.63**		.50**	.43**
Race		.43**	.32**		.30**	.38**
Father's education		-.18*	-.18*		-.10	-.12
Family structure		.32**	.31**		.21**	.20**
Control theory						
Attachment to mother			-.29**			-.12
Attachment to father			-.30**			-.15*
Beliefs			-.55**			-.50**
Religiosity			-.45**			-.41**
Self-esteem			-.30**			-.12
Strain theory						
Frustration			.50**			.38**
Alienation			.32**			.30**
Suicide attempts			.28**			.11
Social learning theory						
Peer association			.15*			.65**
Definitions			.20**			.54**
Rewards			.10			.32**
Modeling			.12			.40**
Summary statistics						
Multiple $r$			.54			.76
Adjusted $r^2$			.53			.60
$F$ test			89.23			183.45
$p$ value			.0000			.0000

NOTE: Standardized regression (beta) coefficients are shown.

\* $p < .05$ . \*\* $p < .01$ .

## FINDINGS

In Table 3 are shown the findings of the OLS regression analyses of violence among younger adolescents (< 16 years of age) and among older adolescents (≥ 16 years of age). These findings support the study hypotheses: The effects of abuse by an adult during childhood on violence are not mediated by the 17 other factors analyzed among younger adolescents, whereas they are fully mediated by these factors

among older adolescents. As seen in other research (see review, Loeber & Farrington, 1998), violence is higher among males, persons of color, and adolescents from homes where at least one biological parent does not reside. Fathers' education is inversely related to crimes against persons only among younger adolescents.

Attachment to mother and self-esteem have a significant ( $\alpha = .05$ ) inverse relationship to violence only among younger adolescents, whereas suicide attempts have a positive relationship to violent deeds only among these adolescents. Normative beliefs and religiosity are inversely related to violence for both age groups at comparable levels, albeit the relationships are somewhat stronger among younger adolescents. Feelings of frustration have a noticeably larger positive relationship, whereas attachments to father have stronger inverse relationship to violence among younger than among older adolescents. In contrast, the social learning factors are more positively related to violence among older than among younger adolescents. In fact, differential rewards and modeling are not significantly related to violent acts among younger adolescents. It may be noted that these study factors account for considerable variance in frequency of crimes against persons (adjusted  $r^2$  of .53 and of .60, respectively, for younger and for older adolescents).

## DISCUSSION

This study of 1,031 adolescent persons in public high schools was designed to examine whether abuse by adults during childhood and during adolescence are related to violence among younger ( $< 16$  years of age) as well as older ( $\geq 16$  years) adolescents. Also of interest is whether the effects of these different periods of abuse on violence would be mediated by the strongest predictors of violent acts among younger and among older adolescents. It was assumed that there would be a differential set of predictors based on developmental theories of adolescence (Elder, 1985; Feldman & Elliott, 1990; Hahn, 1995; Sampson & Laub, 1993; Thornberry, 1997). Thirty-one percent, or 307 individuals, reported that they had committed at least one crime against another person. The mean or average number of crimes against persons committed was almost 4, with an average (or stan-

dard) deviation of about 9.5 crimes. These figures reflect the averages when the 69% who did not commit violent crimes are included. When this 69% of nonoffenders are excluded from the averages, the mean number of crimes against persons is 6.2, with a standard deviation of 15.9. In other words, 31% of the sample of public high school students committed several offenses against persons, and there is a wide variance in the number of crimes between persons. In fact, a frequency analysis shows that every number of offenses from 1 to 50 is represented by at least one person. In other words, there is considerable variance in the number of violent offenses. Only about 5% of these adolescents had reported more than 50 acts of violence.

The primary significance of this study is the findings that whereas the effects of abuse by adults during adolescence on violence are not mediated by the best predictors of violent deeds among younger and older adolescents, the effects of abuse by adults during childhood are mediated by these predictors only among older youth. However, it should be noted that the bivariate relationship between abuse by an adult during childhood and commission of violence among older adolescents is statistically significant, and the relationship between these factors remains significant even after demographic factors are simultaneously considered. It is when all study factors are considered simultaneously that the relationship between abuse during childhood and violence in later adolescence vanishes. Therefore, it would be incorrect to interpret these findings as indicating that abuse by an adult in childhood does not influence violence among older adolescents. Instead, this early abuse is less important to violence among older adolescents than are other factors studied.

Another contribution of this study is the examination of the differential effects of well-documented predictors of violence according to developmental stages during adolescence. Indeed, although there is substantial theory and research in adolescent development (see review, Feldman & Elliott, 1990; Hahn, 1995), developmental frameworks in criminology are in a relatively inaugural stage and have received piecemeal empirical investigation (see reviews, Bartusch, Lynam, Moffitt, & Silva, 1997; Paternoster & Brame, 1997; Sampson, & Laub, 1993; Thornberry, 1997), and there is a lack of studies of violence using a developmental perspective. This study offers preliminary evidence about what factors are the most promising for conceptu-

alizing differential explanatory models for younger and older adolescents (Elder, 1985; Gormly & Brodzinsky, 1989). This study indicates that it is conceptually important in formulating explanatory models in the future to know that abuse by adults in childhood is relevant to violence among younger adolescents but it is not likely an important factor in explaining violent acts among older youths. On the other hand, abuse by adults during adolescence is a key explanatory factor of violence for both age groups. The effects of early abuse on violence appear to be overwhelmed by more immediate peer influences among older adolescents.

Additionally, attachments to female caregivers and self-esteem are inversely and suicide attempts are positively related to violence only among younger adolescents. Fathers' education is inversely related to violence, and violence is less likely among young adolescents from homes where both biological parents reside. These factors support the developmental framework that younger adolescents are more influenced by familial interactions and their outgrowth such as self-esteem or suicidal tendencies than are older adolescents (Bartusch et al., 1997; Paternoster & Brame, 1997; Simons et al., 1994; Sampson & Laub, 1993). Even feelings of frustration are more strongly related to violence among younger than among older adolescents. To the contrary, however, normative beliefs and religiosity are inversely related to violence among both younger and older adolescents (see review, Smith, Visser, & Jarjoura, 1991).

Generally, however, most young persons entering adolescence are still more influenced by familial structure, family interactions, and their outcomes such as self-esteem than are older adolescents (Elder, 1985; Feldman & Elliott, 1990). Much of young adolescents' identity comes from the family milieu, and, of course, they typically feel closer to caregivers. In other words, young adolescents are more ensconced than older youths in the familial context. Abuse early in life is likely accompanied by weak attachment, and together, these experiences probably lead to feelings of frustration and alienation. These feelings, depending on whether they are turned inward or outward, probably lead to suicidal tendencies or violence.

This study indicates that normative beliefs, religiosity, later abuse, and feelings of frustration and alienation are significant predictors of violence for both younger and older adolescents. Although these in-

fluences probably also emanate from social forces aside from the family, it is highly likely that they also result from familial interactions (Conger & Elder, 1994; Hahn 1995). Hence, the family would seem to remain a significant influence on violence throughout the span of adolescence. It is noteworthy that attachments to male caregivers and self-esteem are the factors that are inversely related to violence throughout adolescence. Attachment is theorized to be the fountain from which flow the waters that nurture love and a sense of belonging and of meaning in life (Bowlby, 1969, 1973, 1980) through socialization to normative beliefs and religion as well as emotional closeness.

Among some older adolescents, peer affiliations and associated experiences such as definitions, differential rewards, and modeling become more influential than familial factors on violence. However, evidence suggests that familial influence is less usurped by peer association than that peers offer a sense of membership and belonging that fills an emotional void left by insecure attachment to caregivers and deficits that follow such as poor self-esteem and sense of alienation (Agnew, 1991; Feldman & Elliott, 1990; Patterson, 1982; Patterson & Dishion, 1985; Simons, Whitbeck, Conger, & Conger, 1991). Moreover, the nature of the relationship between peer association and violent behavior appears to be complex and is still being formulated and investigated (Thornberry et al., 1993; Zhang, Welte, & Wieczorek, 1999). For instance, in a recent panel study (Zhang et al., 1999) the findings support a selection argument that youthful offenders tend to select delinquent peers after becoming involved in delinquency rather than being enticed into these affiliations and then socialized in unlawful behavior. Evidence (Benda, 1995; Benda & Corwyn, 1997; Brezina, 1999; Thornberry et al., 1993; Zhang et al., 1999) also supports the facilitation argument that peer association augments rather than initiates violent inclinations among individuals.

In conclusion, this study supports conceptual recommendations made (Bartusch et al., 1997; Paternoster & Brame, 1997; Sampson & Laub, 1993) that weak familial bonding is the critical process leading to delinquency in early adolescence. However, older adolescents who have weak bonds to family and society tend to drift into delinquent peer associations that provide several influences leading to unlawful behaviors such as violence (see Simons et al., 1994). They drift into these peer affiliations to fill an emotional void left by insecure attach-

ments to caregivers. Stated succinctly, a different set of dynamics begins to influence violent behavior as adolescents advance in age than are responsible for this behavior at an earlier stage of adolescence (Patterson & Dishion, 1985; Simons et al., 1994).

The findings of this study must remain tentative pending future investigation because it has limitations. Foremost, it is based on self-report without the benefit of multiple measures or corroboration. The samples also come from a few select schools and so there is no guarantee that they are representative of the adolescent population. Finally, this is a cross-sectional study and so developmental sequences cannot be established.

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# DJJ DCF Crossover Report FY 2016-17

Introduction	Services	Offenses	By County	Definitions	Methodology
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## Introduction

A large proportion of youth who enter the juvenile justice system have maltreatment histories. Therefore, many of these youth are served both by juvenile justice and child welfare agencies. These “crossover” youth very often have significant needs and present challenges to both systems. The successful coordination of services for these children is of paramount importance for their wellbeing and for public safety.

This DJJ-DCF Crossover interactive data report represents one component of the extensive collaboration between the Florida Department of Juvenile Justice and Florida Department of Children and Families. The two agencies work closely together at all levels of the system to coordinate services for crossover youth as well as to share information and data in order to better understand and serve this vulnerable population.

Data presented in the dashboard was compiled from the DJJ Juvenile Justice Information System (JJIS) and the DCF Florida Safe Families Network (FSFN). All youth receiving juvenile justice services during the fiscal year are represented under the juvenile service they received and their most intensive DCF involvement. If a youth was served in more than one juvenile justice service (i.e. commitment and aftercare) they will be accounted for under both services. Please note that the DCF data is valid from 2005 forward, so if a youth received services or was the subject of an investigation prior to 2005 and received no services since that time, that youth will not be reflected in this dashboard.

# DJJ DCF Crossover Report FY 2016-17

Introduction	Services	Offenses	By County	Definitions	Methodology
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## Youth Served at Various Levels of Florida's Juvenile Justice System During FY 2016-17 by Highest Level of DCF Contact Since 2005

DRAFT



Hover for Info

Select Circuit



County  
All

Gender  
All

The tables below show the highest ever level of DCF involvement for youth served in the juvenile justice system during FY 2016-17. For example, among youth served in DJJ commitment, 25% had no previous history of DCF contact, 43% had an investigation as the highest level of DCF contact, 9% had received in-home services, and 23% had an out-of-home DCF placement at some point in their lives.

DCF Involvement	Prevention	Civil Citation	Intake	Diversion	Probation	Commitment	Aftercare
No DCF Involvement	38%	61%	42%	50%	38%	25%	29%
Investigation	39%	28%	37%	34%	39%	43%	41%
In Home	7%	4%	6%	5%	7%	9%	9%
Out of Home	17%	7%	15%	11%	17%	23%	21%
Total	100%	100%	100%	100%	100%	100%	100%

DCF Involvement	Prevention	Civil Citation	Intake	Diversion	Probation	Commitment	Aftercare
No DCF Involvement	7,346	8,020	15,600	8,424	7,346	1,067	1,045
Investigation	7,472	3,620	13,684	5,659	7,472	1,823	1,484
In Home	1,278	508	2,318	866	1,278	383	318
Out of Home	3,253	931	5,656	1,780	3,253	1,002	755
Total	19,349	13,079	37,258	16,729	19,349	4,275	3,602

# DJJ DCF Crossover Report FY 2016-17

Introduction	Services	Offenses	By County	Definitions	Methodology
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DRAFT

## Most Serious Charge for Crossover Youth During FY 2016-17 by Highest Level of DCF Contact Since 2005

Select Circuit



County  
All

Gender  
All

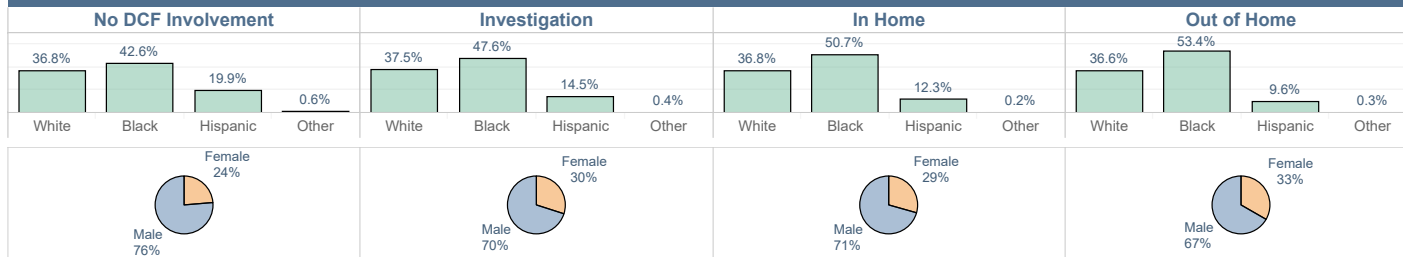
Show # or %  
#

The table below shows the highest ever level of DCF involvement for youth arrested in FY 2016-17. For example, 41.6% of youth arrested for burglary had no previous history of DCF contact, while 15.1% had received an out-of-home DCF placement.

Click on offenses to filter display below

	No DCF Involvement	Investigation	In Home	Out of Home	Total	Sorted by frequency
Assault/Battery	2,078	2,469	393	983	5,923	
Burglary	2,304	2,012	382	836	5,534	
Agg Assault/Battery	1,126	1,498	280	799	3,703	
Misd Viol Drug Laws	1,464	805	92	205	2,566	
Petit Larceny	1,213	775	122	313	2,423	
Violation of Probation/Escape	670	934	178	463	2,245	
Grand Larceny(excl auto)	884	566	77	262	1,789	
Arson/Vandalism/Trespassing	623	502	93	235	1,453	
Fel Drug Laws	711	409	60	95	1,275	
Weapon or Firearm Offenses	542	457	71	153	1,223	
Auto Theft	422	425	68	162	1,077	
Other Offenses	447	360	62	122	991	
Disorderly Conduct	404	307	59	118	888	
Armed Robbery	279	271	44	111	705	
Other Robbery	284	254	46	93	677	
Sexual Battery	252	172	32	72	528	
Other Fel Sex Offenses	187	120	22	59	388	
Loitering and Prowling	180	138	14	33	365	
Misd Alcohol Offenses	291	48	2	11	352	
Fel Other	180	101	16	28	325	
Obstruct Justice with violence	50	62	15	37	164	
Fraud, Forgery, & Counterfeiting	71	56	9	16	152	
Kidnapping	58	47	10	20	135	
Misd Weapon-Firearm Offense	49	27	5	8	89	
Murder Manslaughter	31	24	5	8	68	
Contempt of Court	21	26	7	12	66	
Stolen Property	35	15	5	9	64	
Misd Sex Offenses	30	20	1	7	58	
Att Murder Manslaughter	23	19	3	6	51	

### All Offenses





# DJJ DCF Crossover Report FY 2016-17

Introduction	Services	Offenses	By County	Definitions	Methodology
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## Youth Served at Various Levels of Florida's Juvenile Justice System During FY 2016-17 by Highest Level of DCF Contact Since 2005 Intake by County

**DRAFT**

Use this Drop-down  
for DJJ Status  
Intake

Show # or %  
#

Gender  
All

Race Ethnicity  
All

	No DCF Involvement	Investigation	In Home	Out of Home		No DCF Involvement	Investigation	In Home	Out of Home
Alachua	177	177	71	89	Lake	293	252	62	101
Baker	25	32	4	7	Lee	493	443	49	166
Bay	174	200	45	95	Leon	229	232	52	110
Bradford	28	24	9	10	Levy	42	47	11	10
Brevard	418	439	111	204	Liberty	3	10	3	1
Broward	1,124	853	113	360	Madison	20	12	4	2
Calhoun	8	9			Manatee	260	319	34	114
Charlotte	126	89	5	31	Marion	234	274	64	132
Citrus	57	65	18	42	Martin	126	79	13	24
Clay	125	142	14	44	Monroe	33	13	9	15
Collier	280	168	19	37	Nassau	45	33	10	12
Columbia	54	66	17	26	Okaloosa	175	124	41	94
Dade	1,218	647	135	322	Okeechobee	31	33	10	34
Desoto	41	34	5	15	Orange	1,227	1,184	236	362
Dixie	10	18	2	9	Osceola	361	237	25	73
Duval	756	721	126	272	Palm Beach	880	713	88	269
Escambia	359	429	95	225	Pasco	273	365	28	144
Flagler	76	78	9	16	Pinellas	553	619	84	357
Franklin	11	6	2	4	Polk	890	848	123	382
Gadsden	40	33	9	14	Putnam	70	88	13	48
Gilchrist	14	12	4	12	Santa Rosa	142	104	31	53
Glades	6	2	1		Sarasota	174	185	19	61
Gulf	16	5	4	2	Seminole	418	350	58	98
Hamilton	21	12	4	5	St Johns	127	90	12	30
Hardee	36	29	15	18	St Lucie	289	225	50	97
Hendry	56	42	4	22	Sumter	27	26	12	22
Hernando	136	110	35	66	Suwannee	37	35	4	23
Highlands	117	110	20	42	Taylor	12	16	2	6
Hillsborough	1,180	1,094	109	477	Union	12	15	3	8
Holmes	10	16	2	8	Volusia	438	540	77	169
Indian River	104	99	16	41	Wakulla	32	24	7	7
Jackson	32	45	7	14	Walton	38	41	8	13
Jefferson	11	6	4	3	Washington	22	19	3	12
Lafayette	1	2		2					
					Statewide	15,600	13,684	2,318	5,656

# DJJ DCF Crossover Report FY 2016-17

Introduction	Services	Offenses	By County	Definitions	Methodology
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## Definitions

**Aftercare:** A state-operated or contracted program that monitors a youth who has been released from a commitment program.

**Civil Citation:** An alternative to arrest for misdemeanor youth that provides accountability and delinquency intervention without creating a record of arrest that may prove to be a barrier to future educational and employment opportunities.

**Commitment:** A youth is placed in a residential program for delinquent youth defined by Florida Statute. These programs range from low to maximum restrictiveness levels.

**Diversion:** A program designed to keep a youth from entering the juvenile justice system through the legal process.

**Highest Level of DCF Contact:** Investigation, In Home or Out of Home services a youth received between Jan 2005 and June 2017.

**In home:** Judicial (court supervised) and/or non-judicial safety and case management services provided to address a child's needs and improve parental protective capacities while a child continues to reside in the parents' home.

**Intake:** The screening and assessment of a youth who is alleged to have violated the law or a court order.

**Investigation:** All activities conducted by child protective investigators while responding to Abuse Hotline intakes, including the identification of child maltreatment and determination of the appropriate intervention(s) needed to protect the child.

**No DCF Involvement:** A youth has no history of DCF investigations or services.

**Out of Home:** Safety and case management services provided to families whose children have temporarily been removed from the caregiver's home and placed with a relative or non-relative, in a licensed foster home, or in a licensed group home. These services were provided

**Prevention:** Youth served in one or more of the Department's prevention programs, including shelters.

**Probation:** The status of a delinquent youth placed on community supervision. Youth are supervised by a Juvenile Probation Officer based on the order of the court.

# DJJ DCF Crossover Report FY 2016-17

Introduction	Services	Offenses	By County	Definitions	Methodology
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## Methodology & Data Filtering

### Methodology

Data presented in the dashboard was compiled from the DJJ Juvenile Justice Information System (JJIS) and the DCF Florida Safe Families Network (FSFN). All youth receiving juvenile justice services during the fiscal year are represented under the juvenile service they received and their most intensive DCF involvement. If a youth was served in more than one juvenile justice service (i.e. commitment and aftercare) they will be accounted for under both services. Please note that the DCF data is valid from 2005 forward, so if a youth received services or was the subject of an investigation prior to 2005 and received no services since that time, that youth will not be reflected in this dashboard.

### Data Filtering

**Circuit Filter:** Clicking on a circuit disc filters the entire page to display data specific to that circuit. The default is statewide data.

**County Filter:** Selecting a county in the country drop down menu filters the entire page to display data specific to that county. Default is statewide data.

**Gender Filter:** Selecting a gender in the gender drop down menu filters the entire page to display data specific to that gender. Default is all youth.

**Show # or % Menu:** Data can be displayed as "percentage of youth" or as "total number of youth." Default is percentage of youth.

**DCF Involvement:** On the "DJJ Service 2016-17" dashboard tab, selecting a level of DCF Involvement will filter the Race/Ethnicity tables to display the Racial/Ethnic breakdown of youth, by Juvenile Service, for that level of DCF involvement.

**Offense Selection:** On the "Offenses" dashboard tab, selecting an offense will filter the Race/Ethnicity tables to display the Racial/Ethnic breakdown of youth, by DCF Involvement, for that offense.



## Introduction

A large proportion of youth who enter the juvenile justice system have maltreatment histories. Therefore, many of these youth are served both by juvenile justice and child welfare agencies. These “crossover” youth very often have significant needs and present challenges to both systems. The successful coordination of services for these children is of paramount importance for their wellbeing and for public safety.

This DJJ-DCF Crossover interactive data report represents one component of the extensive collaboration between the Florida Department of Juvenile Justice and Florida Department of Children and Families. The two agencies work closely together at all levels of the system to coordinate services for crossover youth as well as to share information and data in order to better understand and serve this vulnerable population.

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## Youth Served at Various Levels of Florida's Juvenile Justice System During FY 2016-17 by Highest Level of DCF Contact Since 2005



Hover for Info

Select Circuit



County  
All

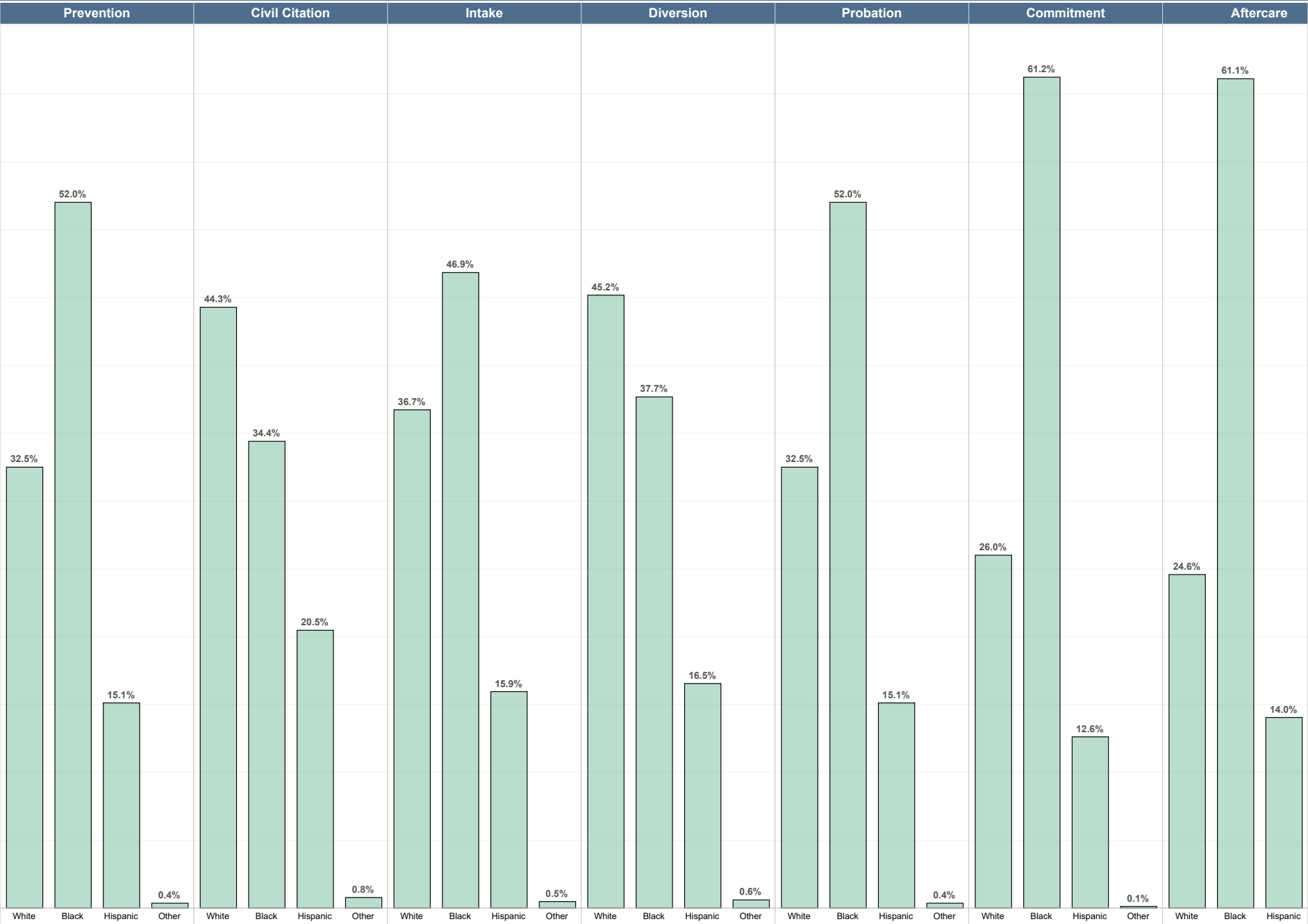
Gender  
All

The tables below show the highest ever level of DCF involvement for youth served in the juvenile justice system during FY 2016-17. For example, among youth served in DJJ commitment, 25% had no previous history of DCF contact, 43%, had an investigation as the highest level of DCF contact, 9% had received in-home services, and 23% had an out-of-home DCF placement at some point in their lives.

DCF Involvement	Prevention	Civil Citation	Intake	Diversion	Probation	Commitment	Aftercare
No DCF Involvement	7,346	8,020	15,600	8,424	7,346	1,067	1,045
Investigation	7,472	3,620	13,684	5,659	7,472	1,823	1,484
In Home	1,278	508	2,318	866	1,278	383	318
Out of Home	3,253	931	5,656	1,780	3,253	1,002	755
Total	19,349	13,079	37,258	16,729	19,349	4,275	3,602

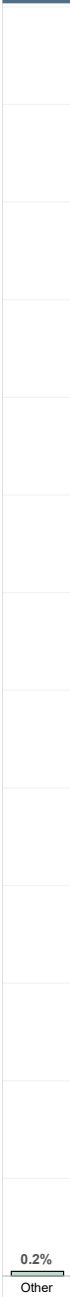
DCF Involvement	Prevention	Civil Citation	Intake	Diversion	Probation	Commitment	Aftercare
No DCF Involvement	7,346	8,020	15,600	8,424	7,346	1,067	1,045
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In Home	1,278	508	2,318	866	1,278	383	318
Out of Home	3,253	931	5,656	1,780	3,253	1,002	755
Total	19,349	13,079	37,258	16,729	19,349	4,275	3,602

Race/Ethnicity - All



Prevention , Civil Citation , Intake , Diversion , Probation , Commitment and Aftercare for each Basic Race Ethnicity. The data is filtered on MS Finding Filter, County , Action (Jcircuit), Gender, Basic Race Ethnicity NULL Filter and DCF Involvement. The MS Finding Filter filter keeps 1. The County filter keeps 70 of 70 members. The Action (Jcircuit) filter keeps 23 members. The Gender filter keeps Null, Female, Male and Unknown. The Basic Race Ethnicity NULL Filter filter keeps Black, Hispanic, Other and White. The DCF Involvement filter keeps In Home, Investigation, No DCF Involvement and Out of Home. The view is filtered on Basic Race Ethnicity, which keeps Null, Black, Hispanic, Other and White.

ftercare



Prevention , Civil Citation , Intake , Diversion , Probation , Commitment and Aftercare for each Basic Race Ethnicity. The data is filtered on MS Finding Filter, County , Action (Jcircuit), Gender, Basic Race Ethnicity NULL Filter and DCF Involvement. The MS Finding Filter filter keeps 1. The County filter keeps 70 of 70 members. The Action (Jcircuit) filter keeps 23 members. The Gender filter keeps Null, Female, Male and Unknown. The Basic Race Ethnicity NULL Filter filter keeps Black, Hispanic, Other and White. The DCF Involvement filter keeps In Home, Investigation, No DCF Involvement and Out of Home. The view is filtered on Basic Race Ethnicity, which keeps Null, Black, Hispanic, Other and White.

DJJ Service

DCF Involvement	Prevention	Civil Citation	Intake	Diversion	Probation
No DCF Involvement	7,346	8,020	15,600	8,424	7,346
Investigation	7,472	3,620	13,684	5,659	7,472
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Total	19,349	13,079	37,258	16,729	19,349

Prevention , Civil Citation , Intake , Diversion , Probation , Commitment and Aftercare broken down by DCF Involvement. The data is filtered on MS Finding Filter, County Null Filter, County , Basic Race Ethnicity, Gender and Action (Jcircuit). The MS Finding Filter filter keeps 1. The County Null Filter filter keeps 69 of 42 members. The County filter keeps 70 of 70 members. The Basic Race Ethnicity filter keeps Null, Black, Hispanic, Other and White. The Gender filter keeps Null, Female, Male and Unknown. The Action (Jcircuit) filter keeps 23 members.



DJJ Service

DCF Involvement	Commitment	Aftercare
No DCF Involvement	1,067	1,045
Investigation	1,823	1,484
In Home	383	318
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Prevention , Civil Citation , Intake , Diversion , Probation , Commitment and Aftercare broken down by DCF Involvement. The data is filtered on MS Finding Filter, County Null Filter, County , Basic Race Ethnicity, Gender and Action (Jcircuit). The MS Finding Filter filter keeps 1. The County Null Filter filter keeps 69 of 42 members. The County filter keeps 70 of 70 members. The Basic Race Ethnicity filter keeps Null, Black, Hispanic, Other and White. The Gender filter keeps Null, Female, Male and Unknown. The Action (Jcircuit) filter keeps 23 members.

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# Most Serious Charge for Crossover Youth During FY 2016-17 by Highest Level of DCF Contact Since 2005

Select Circuit

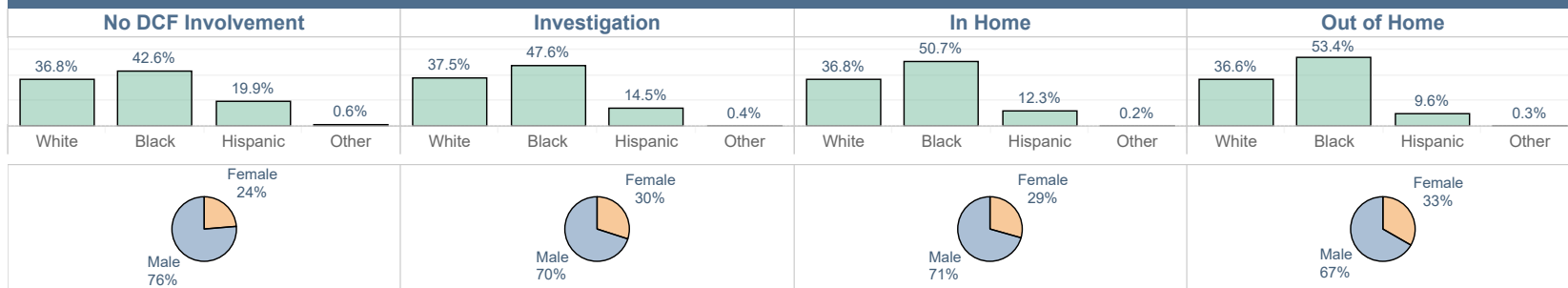
County  
AllGender  
AllShow # or %  
#

The table below shows the highest ever level of DCF involvement for youth arrested in FY 2016-17. For example, 41.6% of youth arrested for burglary had no previous history of DCF contact, while 15.1% had received an out-of-home DCF placement.

Click on offenses to filter display below

	No DCF Involvement	Investigation	In Home	Out of Home	Total	Sorted by frequency
Assault/Battery	2,078	2,469	393	983	5,923	
Burglary	2,304	2,012	382	836	5,534	
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Misd Viol Drug Laws	1,464	805	92	205	2,566	
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Fel Other	180	101	16	28	325	
Obstruct Justice with violence	50	62	15	37	164	
Fraud, Forgery, & Counterfeiting	71	56	9	16	152	
Kidnapping	58	47	10	20	135	
Misd Weapon-Firearm Offense	49	27	5	8	89	
Murder Manslaughter	31	24	5	8	68	
Contempt of Court	21	26	7	12	66	
Stolen Property	35	15	5	9	64	
Misd Sex Offenses	30	20	1	7	58	
Att Murder Manslaughter	23	19	3	6	51	

## All Offenses



# Youth Served at Various Levels of Florida's Juvenile Justice System During FY 2016-17 by Highest Level of DCF Contact Since 2005 Intake by County

Use this Drop-down  
for DJJ Status  
Intake

Show # or %  
#

Gender  
All

**DRAFT**  
Race Ethnicity  
All

	No DCF Involvement	Investigation	In Home	Out of Home		No DCF Involvement	Investigation	In Home	Out of Home
Alachua	177	177	71	89	Lake	293	252	62	101
Baker	25	32	4	7	Lee	493	443	49	166
Bay	174	200	45	95	Leon	229	232	52	110
Bradford	28	24	9	10	Levy	42	47	11	10
Brevard	418	439	111	204	Liberty	3	10	3	1
Broward	1,124	853	113	360	Madison	20	12	4	2
Calhoun	8	9			Manatee	260	319	34	114
Charlotte	126	89	5	31	Marion	234	274	64	132
Citrus	57	65	18	42	Martin	126	79	13	24
Clay	125	142	14	44	Monroe	33	13	9	15
Collier	280	168	19	37	Nassau	45	33	10	12
Columbia	54	66	17	26	Okaloosa	175	124	41	94
Dade	1,218	647	135	322	Okeechobee	31	33	10	34
Desoto	41	34	5	15	Orange	1,227	1,184	236	362
Dixie	10	18	2	9	Osceola	361	237	25	73
Duval	756	721	126	272	Palm Beach	880	713	88	269
Escambia	359	429	95	225	Pasco	273	365	28	144
Flagler	76	78	9	16	Pinellas	553	619	84	357
Franklin	11	6	2	4	Polk	890	848	123	382
Gadsden	40	33	9	14	Putnam	70	88	13	48
Gilchrist	14	12	4	12	Santa Rosa	142	104	31	53
Glades	6	2	1		Sarasota	174	185	19	61
Gulf	16	5	4	2	Seminole	418	350	58	98
Hamilton	21	12	4	5	St Johns	127	90	12	30
Hardee	36	29	15	18	St Lucie	289	225	50	97
Hendry	56	42	4	22	Sumter	27	26	12	22
Hernando	136	110	35	66	Suwannee	37	35	4	23
Highlands	117	110	20	42	Taylor	12	16	2	6
Hillsborough	1,180	1,094	109	477	Union	12	15	3	8
Holmes	10	16	2	8	Volusia	438	540	77	169
Indian River	104	99	16	41	Wakulla	32	24	7	7
Jackson	32	45	7	14	Walton	38	41	8	13
Jefferson	11	6	4	3	Washington	22	19	3	12
Lafayette	1	2		2					
					Statewide	15,600	13,684	2,318	5,656

# Definitions

**Aftercare:** A state-operated or contracted program that monitors a youth who has been released from a commitment program.

**Civil Citation:** An alternative to arrest for misdemeanor youth that provides accountability and delinquency intervention without creating a record of arrest that may prove to be a barrier to future educational and employment opportunities.

**Commitment:** A youth is placed in a residential program for delinquent youth defined by Florida Statute. These programs range from low to maximum restrictiveness levels.

**Diversion:** A program designed to keep a youth from entering the juvenile justice system through the legal process.

**Highest Level of DCF Contact:** Investigation, In Home or Out of Home services a youth received between Jan 2005 and June 2017.

**In home:** Judicial (court supervised) and/or non-judicial safety and case management services provided to address a child's needs and improve parental protective capacities while a child continues to reside in the parents' home.

**Intake:** The screening and assessment of a youth who is alleged to have violated the law or a court order.

**Investigation:** All activities conducted by child protective investigators while responding to Abuse Hotline intakes, including the identification of child maltreatment and determination of the appropriate intervention(s) needed to protect the child.

**No DCF Involvement:** A youth has no history of DCF investigations or services.

**Out of Home:** Safety and case management services provided to families whose children have temporarily been removed from the caregiver's home and placed with a relative or non-relative, in a licensed foster home, or in a licensed group home. These services were provided

**Prevention:** Youth served in one or more of the Department's prevention programs, including shelters.

**Probation:** The status of a delinquent youth placed on community supervision. Youth are supervised by a Juvenile Probation Officer based on the order of the court.

# Methodology & Data Filtering

## Methodology

Data presented in the dashboard was compiled from the DJJ Juvenile Justice Information System (JJIS) and the DCF Florida Safe Families Network (FSFN). All youth receiving juvenile justice services during the fiscal year are represented under the juvenile service they received and their most intensive DCF involvement. If a youth was served in more than one juvenile justice service (i.e. commitment and aftercare) they will be accounted for under both services. Please note that the DCF data is valid from 2005 forward, so if a youth received services or was the subject of an investigation prior to 2005 and received no services since that time, that youth will not be reflected in this dashboard.

## Data Filtering

**Circuit Filter:** Clicking on a circuit disc filters the entire page to display data specific to that circuit. The default is statewide data.

**County Filter:** Selecting a county in the country drop down menu filters the entire page to display data specific to that county. Default is statewide data.

**Gender Filter:** Selecting a gender in the gender drop down menu filters the entire page to display data specific to that gender. Default is all youth.

**Show # or % Menu:** Data can be displayed as “percentage of youth” or as “total number of youth.” Default is percentage of youth.

**DCF Involvement:** On the “DJJ Service 2016-17” dashboard tab, selecting a level of DCF Involvement will filter the Race/Ethnicity tables to display the Racial/Ethnic breakdown of youth, by Juvenile Service, for that level of DCF involvement.

**Offense Selection:** On the “Offenses” dashboard tab, selecting an offense will filter the Race/Ethnicity tables to display the Racial/Ethnic breakdown of youth, by DCF Involvement, for that offense.

## Offenses of Youth Served at Residential Commitment Facilities During FY 2015-16 by Level of DCF Contact 2005 through 2015-16

Committed youth with a history of DCF Out-of-Home placements are

- More likely to have been committed for a felony or misdemeanor assault charge than youth with no DCF involvement.
- More likely to have been committed on a technical violation of probation
- Less likely to be committed for an armed robbery, weapons offense or burglary.

	DCF Involvement									
	No DCF Involvement		Investigation		In Home		Out of Home		Total	
Agg Assault and-or Battery	171	171	435	435	90	90	278	278	974	974
Burglary	299	299	464	464	111	111	254	254	1,128	1,128
Assault and or Battery (not aggravated)	24	24	84	84	14	14	47	47	169	169
Sexual Battery & Other Fel Sex Offenses	65	65	100	100	16	16	70	70	251	251
Armed Robbery	129	129	108	108	25	25	60	60	322	322
Other Robbery	95	95	119	119	22	22	50	50	286	286
Weapon or Firearm Offenses	89	89	127	127	23	23	46	46	285	285
Auto Theft	37	37	75	75	16	16	31	31	159	159
Grand Larceny(excluding auto theft)	18	18	57	57	14	14	24	24	113	113
Violation of Probation/Escape	31	31	69	69	21	21	42	42	163	163
Other Misdemeanors	24	24	54	54	8	8	25	25	111	111
Vandalism/Arson/Trespassing	15	15	28	28	3	3	25	25	71	71
Obstruct Justice with or without Violence	11	11	31	31	8	8	11	11	61	61
Fel Drug Laws	16	16	27	27	4	4	11	11	58	58
Kidnapping	13	13	12	12	3	3	14	14	42	42
Fel Other	7	7	11	11			4	4	22	22
Murder Manslaughter	10	10	2	2			1	1	13	13
Total	1,054	1,054	1,803	1,803	378	378	993	993	4,228	4,228

**No DCF Involvement:** A youth has no history of DCF investigations or services.

**Investigation:** All activities conducted by child protective investigators while responding to Abuse Hotline intakes,

**In Home:** Safety and case management services provided to address a child's needs and improve parental protective capacities while a child continues to reside in the parents' home.

**Out of Home:** Children have temporarily been removed from the caregiver's home and placed with a relative or non-relative, in a licensed foster home, or in a licensed group home.

Hover for Info



Hover for Info

Info: The marks are labeled by Info.









## 2022 AGENCY LEGISLATIVE BILL ANALYSIS

### Department of Children and Families

#### BILL INFORMATION

<b>BILL NUMBER:</b>	HB 7065
<b>BILL TITLE:</b>	<u>Child Welfare</u>
<b>BILL SPONSOR:</b>	Children, Families, and Seniors Subcommittee
<b>EFFECTIVE DATE:</b>	July 1, 2022

#### COMMITTEES OF REFERENCE

1) Children, Families & Seniors Subcommittee
2)
3)
4)
5)

#### CURRENT COMMITTEE

Children, Families, and Seniors Subcommittee

#### SIMILAR BILLS

<b>BILL NUMBER:</b>	N/A
<b>SPONSOR:</b>	N/A

#### PREVIOUS LEGISLATION

<b>BILL NUMBER:</b>	N/A
<b>SPONSOR:</b>	N/A
<b>YEAR:</b>	N/A
<b>LAST ACTION:</b>	N/A

#### IDENTICAL BILLS

<b>BILL NUMBER:</b>	N/A
<b>SPONSOR:</b>	N/A

#### Is this bill part of an agency package?

No.

#### BILL ANALYSIS INFORMATION

<b>DATE OF ANALYSIS:</b>	February 10, 2022 For further information, please contact John Paul Fiore at (850) 488-9410.
<b>LEAD AGENCY ANALYST:</b>	Tyler Tuszynski, OCW
<b>ADDITIONAL ANALYST(S):</b>	Cal Walton, OCC Courtney Smith, OCW Stephanie Zimmerman, CLS Vanessa Snoddy, OCW
<b>LEGAL ANALYST:</b>	Laura Battaglia, OGC
<b>FISCAL ANALYST:</b>	Sue Zwirz, Budget

## POLICY ANALYSIS

### **1. EXECUTIVE SUMMARY**

The bill allows for an individual's presence or attendance at a hearing to be through audio-video technology. The bill requires the Department of Children and Families (Department) and the Department of Juvenile Justice (DJJ) to identify dually served youth and submit quarterly reports as well as requires a representative from DJJ be invited to multidisciplinary team staffings. The bill makes changes to the Relative Caregiver Program. The bill amends a number of Department reporting duties, provides for a child care subsidy, amends the postsecondary education services and support program, and requires the Department to award grants to certain entities for fatherhood initiatives. The bill also amends the tuition and fee waiver program. The effective date is July 1, 2022.

### **2. SUBSTANTIVE BILL ANALYSIS**

#### **Section 1: Procedures and jurisdiction; right to counsel.**

##### **Present Situation**

Section 39.013, F.S., establishes procedures for conducting dependency proceedings. Among those procedures, subsection (1) requires that all dependency hearings be conducted according to the Florida Rules of Juvenile Procedure. The statute is silent on the specific format a court may use to conduct a dependency hearing, whether in person, through audio-video communication technology, or through audio communication technology.

Florida Rule of Juvenile Procedure 8.330(c) provides that a party may appear at an adjudicatory hearing on a dependency petition in person or, at the discretion of the court for good cause shown, by audio or audiovisual device. Similarly, Florida Rule of Juvenile Procedure 8.525(d) provides that a party may appear at an adjudicatory hearing on a termination of parental rights petition in person or, at the discretion of the court for good cause shown, by audio or audiovisual device.

On December 20, 2021, the Steering Committee on Families and Children in the Court ("Steering Committee") filed a petition to amend the Florida Rules of Juvenile Procedure in the Florida Supreme Court in case number SC22-1. That petition proposes that the Florida Supreme Court amend Rule 8.255, concerning general provisions for hearings, to provide that:

- (1) Evidentiary proceedings must be conducted in person unless the parties agree that a proceeding should be conducted remotely or conducted in a hybrid format, or the court orders it upon good cause shown.
- (2) All other proceedings may be conducted remotely or in a hybrid format upon agreement of the parties or by court order unless good cause is otherwise shown.
- (3) The court may consider the following factors in determining whether good cause exists: the consent of the parties, the time-sensitivity of the matter, the nature of the relief sought, the resources of the parties, the anticipated duration of the testimony, the need and ability to review and identify documents during testimony, the probative value of the testimony, the geographic location of the witnesses, the cost and inconvenience in requiring the physical presence of the witnesses, the need for confrontation of the witnesses, the need to observe the demeanor of the witnesses, the potential for unfair surprise, and any other matter relevant to the request.
- (4) A party who participates in a hearing conducted remotely or conducted in a hybrid format must be given the opportunity to privately and confidentially communicate with counsel during the proceedings.

The Steering Committee's petition further proposes creating a new Rule 8.002 to define the concepts of "appear or appearance," "audio communication technology," "audio-video communication technology," "communication technology," "hybrid proceeding or conducted in a hybrid format," "in person proceeding or conducted in person," "location or place," "present or presence," and "remote proceeding or conducted remotely." When the definitions proposed in new Rule 8.002 are applied to the Steering Committee's proposed amendments to Rule 8.255, the parties may agree or the court may order that a hearing be conducted through the use of either audio-video communication technology or audio communication technology.

The Steering Committee's proposal also requests that the Florida Supreme Court amend Rules 8.330(c) and 8.525(d) concerning adjudicatory hearings to provide that a party may appear in person or, at the discretion of the court for good cause shown, by communication technology, which encompasses both audio-video communication technology and audio communication technology.

### **Effect of the Bill**

The bill creates new s. 39.013(13), F.S., to provide that an individual's presence or attendance at a hearing or conference may be through that individual's physical appearance or, at the discretion of the court, through audio-video communication technology. If audio-video communication technology will be used to conduct the hearing or conference, the court must provide written notification in advance to each party that includes all relevant information and instructions on how to attend the hearing or conference.

If passed, the bill would conflict with current judicial discretion afforded by the Rules of Juvenile Procedure to permit parties to appear at adjudicatory hearings by audio communication technology that does not have a visual component. This could place a hardship on parties who have access to technology that permits the participants to hear and speak to all other participants in real-time but who do not have access to technology that permits the participants to see the party. Parties who do not have access to audio-video technology includes but is not limited to incarcerated parents.

Additionally, if passed, this bill would conflict with the pending proposed amendments before the Florida Supreme Court in case number SC22-1, in two respects. First, the proposed amendments permit the parties to agree to a hearing being conducted through communication technology, but the bill only grants the court the discretion to order the use of such technology. Second, the proposed amendments grant the courts the discretion to order the use of audio communication technology, whereas the bill only grants the discretion to order the use of audio-video communication technology.

### **Section 2: Dually Involved Youth.**

#### **Present Situation**

The Department of Children and Families and the Department of Juvenile Justice (DJJ) have worked diligently over the past four years to develop and implement interagency efforts statewide to address issues surrounding youth with an open case simultaneously with the Department and DJJ. These youth are commonly referred to as "dually served".

Number of Dually Served Youth <sup>1</sup>					
State Fiscal Year	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Youth Served	2,194	2,183	2,110	1,997	1,645

The Department/DJJ partnership provides an important foundation as the Department aligns group home standards with the new FFSPA restrictions on federal reimbursement for children not placed in a foster home and prepares to provide a certification in the state plan assuring that new policies and practices will not result in an increase in the number of youth in the juvenile justice system.

Additionally, the Department has entered into an updated Memorandum of Understanding (MOU) for 2017-22 titled the Interagency Agreement to Coordinate Services Served by More than One Agency. The eight child-serving agencies who have signed onto this MOU include Agency for Health Care Administration, Agency for Persons with Disabilities, the Department, Department of Juvenile Justice, Department of Education, Department of Health, Guardian ad Litem Program, and Florida's Division of Early Learning. The goal of this agreement is to collaborate on developing necessary local and statewide resources for children being served by multiple agencies to advance the goals of the Florida Children and Youth Cabinet as outlined in s. 402.56, F.S.

The Department is the lead agency for the MOU and is tasked with identifying Local (LRT), Regional (RRT), and State Review Team (SRT) leads. There are 20 LRT, 6 RRT, and 3 SRT Leads for the Department. Each Review Team is tasked with staffing youth cases. Each month, the data from these staffings is provided into a detailed report and shared with the leads, Crossover Champions, and Department and DJJ Leadership. Summation reports are also completed on a 6-month, annual, and 18-month basis.

### **Effect of the Bill**

Beginning in fiscal year 2022-2023 through fiscal year 2023-2024, s. 39.0143, F.S., requires the Department, in collaboration with the Department of Juvenile Justice, to take appropriate action within available resources to meet the needs of children served by both agencies. In addition, this section requires the two agencies to jointly submit to the legislature, a quarterly report that includes, at minimum, data regarding the number of children who

<sup>1</sup> The source for dually served youth data is a monthly DCF/DJJ data match and this data includes unduplicated counts, meaning a child is counted one time regardless of the number of times they interact with either DCF or DJJ.

are dually involved with both systems, how each agency tracks dually involved children, and action taken by both agencies to better serve these children.

To implement this section of law, the Department will likely need to update the current MOU to reflect the intent of the statute as well as assign resources to address the administrative duties of collaboration and reporting.

### **Section 3: Penalties relating to reporting of child abuse, abandonment, or neglect.**

#### **Present Situation**

Section 39.205, F.S., requires the Department to establish procedures for determining whether a false report of child abuse, abandonment, or neglect has been made and for submitting all identifying information relating to such a report to the appropriate law enforcement agency. The Department is also required to report annually to the Legislature the number of reports referred. The number of suspected false reports is low; 0.18% of reports in 19/20. Law changes have deterred false reporting, specifically s. 39.205(8), F.S., which allows CPIs to cease investigative activities upon determination of a false report. A significant amount of manual tracking is necessary to produce this report for an issue that has largely resolved.

#### **Effect of the Bill**

The bill amends s. 39.205, F.S., to remove the requirement that the Department report the number of false reports to the Legislature each year.

### **Section 4: Multidisciplinary teams; staffings; assessments; report.**

#### **Present Situation**

Section 39.4022, F.S., requires the Department to conduct a multidisciplinary team (MDT) staffing in collaboration with various stakeholders to reach a unanimous decision that ensures the identified services for children and families are in the best interest of the child. Subsection (4)(a) requires that each multidisciplinary team staffing must invite:

- a. The child, unless he or she is not of an age or capacity to participate in the team;
- b. The child's family members and other individuals identified by the family as being important to the child, provided that a parent who has a no contact order or injunction, is alleged to have sexually abused the child, or is subject to a termination of parental rights may not participate;
- c. The current caregiver, provided the caregiver is not a parent who meets the criteria of one of the exceptions under sub-subparagraph b.;
- d. A representative from the department other than the Children's Legal Services attorney, when the department is directly involved in the goal identified by the staffing;
- e. A representative from the community-based care lead agency, when the lead agency is directly involved in the goal identified by the staffing; and
- f. The case manager for the child, or his or her case manager supervisor.

Based on the particular goal the multidisciplinary team staffing identifies as the purpose of convening the staffing as provided under subsection (4)(b), the department or lead agency may also invite to the meeting other professionals, including, but not limited to:

1. A representative from Children's Medical Services;
2. A guardian ad litem, if one is appointed;
3. A school personnel representative who has direct contact with the child;
4. A therapist or other behavioral health professional, if applicable;
5. A mental health professional with expertise in sibling bonding, if the department or lead agency deems such expert is necessary; or
6. Other community providers of services to the child or stakeholders, when applicable.

#### **Effect of the Bill**

The bill amends s. 39.4022(4), F.S., to require a representative from the Department of Juvenile Justice (DJJ) to be invited to the MDT staffing if the child is dually involved with the Department and DJJ. The Department will amend rules consistent with this requirement.

### **Section 5: Relative Caregiver Program.**

#### **Present Situation**

During the home study process and after placement of the child, relative and nonrelative caregivers are informed of two benefits programs they may participate in: the Relative Caregiver Program (RCP) as outlined in s. 39.5085, F.S., and Level I licensure as outlined in s. 409.175, F.S. Both programs were created to provide enhanced

services and supports to relative and nonrelative caregivers to support children who have been removed due to abuse, abandonment, or neglect, when placed by the dependency court.

#### Relative Caregiver Benefits

Benefits provided to caregivers in the RCP include a monthly payment, determined by rule of the Department, based on the child's age. This rate is not to exceed 82% of the statewide average foster care rate. Other benefits include Medicaid and a childcare referral for the school readiness program.

A caregiver may continue to be enrolled in the RCP until the child is reunified or receives adoption assistance, turns 18 years of age, or the caregiver is licensed as a Level I foster parent.

Relatives or nonrelatives who qualify for and participate in the RCP are not required to be licensed pursuant to s. 39.5085(2)(d), F.S.

#### Level I Licensure

Level I licensure went into effect in July of 2018. The purpose of the Level I license is to provide a path to licensure for relatives and nonrelatives. If licensed, the caregiver receives an enhanced level of benefits over those provided in the RCP. The licensure also allows the child to close out in permanent guardianship in the federally funded Guardianship Assistance Program (GAP). Level I licensure is child-specific, and only for relative and nonrelative caregivers; therefore some non-safety licensing requirements are waived to make it easier for relatives and nonrelatives to get licensed quickly. Benefit payments made to caregivers in Level I and GAP are Title IV-E eligible, meaning the state can use a mix of general revenue and federal funds to pay for these benefits. Other benefits include Medicaid and a childcare referral for the school readiness program.

#### Effect of the Bill

The bill amends s. 36.5085, F.S., appears to require a family to initiate the Level I licensure process and be denied prior to being eligible for the RCP.

There are rare circumstances in which a caregiver would be denied a Level I license. These circumstances generally occur when the placement of a child is made by a court despite a denied home study by the Department. These circumstances are often background screening related and specifically involve a caregiver or adult household member's disqualifying criminal history pursuant to s. 39.0138, F.S.

If the language is interpreted as requiring a caregiver to seek Level 1 licensure before being eligible to participate in the RCP, the effect of this language likely will lead to an increase in Level I licensure and an increase in Title IV-E claiming for those placements.

### **Section 7: Care of children; "reasonable and prudent parent" standard.**

#### **Present Situation**

Section 39.604, F.S., requires that a child from birth to the age of school entry, who is under court-ordered protective supervision or in out-of-home care and is enrolled in an early education or child care program must attend the program 5 days a week unless the court grants an exception.

Many foster parents and relative and nonrelative caregivers who have a child placed in their home who is not required to attend an early education or child care program pursuant to s. 39.604, F.S., still choose to send the child to an early education or child care program.

Chapter 1002, F.S., establishes the school readiness program. This program functions as a child care subsidy program for certain eligible children. Each early learning coalition determines eligibility and provides payment to contracted child care providers who have eligible children enrolled at their program. Section 1002.87, F.S., requires that each early learning coalition shall give priority to at-risk children under the age of nine years old when determining eligibility for the school readiness program. The definition of "at-risk" provided in s. 1002.81, F.S., makes it clear that a child placed by a court in a foster home, or with a relative or nonrelative, are to be included in the definition.

In some instances, the subsidy provided to child care providers through the school readiness program does not cover the entire cost of child care. Additional costs may include parent fees, registration fees, supply costs, supplemental activities, etc. These additional costs are often paid for out-of-pocket by the foster parent or relative or nonrelative caregiver.

**Effect of the Bill**

The bill creates a child care subsidy payment within s. 409.145, F.S., subject to available funding, for foster parents and relative and nonrelative caregivers, regardless of their licensure status or program participation. The subsidy shall be paid to any foster parent or relative or nonrelative caregiver who has a child from birth to school entry age placed in their care. The subsidy is for up to \$200 and is to fund any cost of the early learning or child care program attended by that child charged to the foster parent or caregiver beyond any state subsidy from the early learning coalition.

This will require the Department to verify the child care enrollment status and pay rate for all school age children in the child welfare system.

<b>Child Care Subsidy for ages 0-5</b>			
<b>Population</b>	<b>Current Placements (12/16/21)</b>	<b>Total Monthly Subsidy Fiscal (participants x \$200)</b>	<b>Total Annualized Subsidy Fiscal<sup>2</sup> (Monthly x 12)</b>
0-5 years of age in Relative or Non-Relative Placement	4,080	\$816,000  100% GR	<b>\$ 9,792,000</b>  100% GR
0-5 years of age in Level I-V Licensure	6,287	\$1,257,400  GR: \$784,503 IV-E: 472,897	<b>\$15,088,800</b>  GR: \$9,414,037 IV-E: \$5,674,763
Total	10,367	\$2,073,400	<b>\$24,880,800</b>

**Section 8: The Road-to-Independence Program.****Present Situation**

Section 409.1451(2)(b), F.S., requires that young adults enrolled in Florida's Postsecondary Education Services and Support (PESS) program are to receive financial assistance as follows:

- For a young adult who does not remain in foster care and is attending a postsecondary school as provided in s. 1009.533, F.S., the amount of assistance is \$1,256 per month.
- For a young adult who remains in foster care, is attending a postsecondary school, as provided in s. 1009.533, F.S., and continues to reside in a licensed foster home, the amount is the established room and board rate for foster parents. This takes the place of the payment provided for in s. 409.145(3), F.S.
- For a young adult who remains in foster care, but temporarily resides away from a licensed foster home for purposes of attending a postsecondary school as provided in s. 1009.533, F.S., the amount is \$1,256 monthly. This takes the place of the payment provided for in s. 409.145(3), F.S.
- For a young adult who remains in foster care, is attending a postsecondary school as provided in s. 1009.533, F.S., and continues to reside in a licensed group home, the amount is negotiated between the community-based care lead agency and the licensed group home provider.
- For a young adult who remains in foster care, but temporarily resides away from a licensed group home for purposes of attending a postsecondary school as provided in s. 1009.533, F.S., the amount is \$1,256 monthly. This takes the place of a negotiated room and board rate.

Currently, the community-based care lead agency's independent living staff monitor a young adult's standard of academic progress as defined by the education institution to ensure program eligibility at the time of renewal.

<sup>2</sup> Rough calculation due to the inability to accurately project entries and exits for that age group. This number is based on a single point in time and extrapolated. This assumes all children in the eligible population attend an early learning or child care program and receive the full \$200.



**Effect of the Bill**

The bill amends s. 409.1451(2)(b), F.S., to increase the PESS monthly stipend from \$1,256 to \$1,720 for a young adult who does not remain in foster care and is attending a postsecondary school.

<b>Postsecondary Education Services and Support</b>						
<b>Population Description</b>	<b>Population</b>	<b>Current Monthly Stipend</b> (current enrollment X \$1,256)	<b>Current Annual Cost</b> (current monthly X 12)	<b>Proposed Monthly Stipend</b> (current enrollment X \$1,720)	<b>Proposed Annual Cost</b> (proposed monthly X 12)	<b>Annualized Difference</b> (proposed annual – current annual)
<b>PESS Enrollment<sup>3</sup></b>	1,221	\$1,533,576	\$18,402,912	\$2,100,120	\$25,201,440	<b>\$6,798,528</b>
<b>PESS Eligible<sup>4</sup></b>	3,976	\$4,993,856	\$59,926,272	\$6,838,720	\$82,064,640	<b>\$22,138,368</b>

The bill also requires the Department or contracted agency to assess each young adult's financial literacy and executive functioning, self-regulation and similar skills prior to the young adult being enrolled in post-secondary education and to provide information and referrals to the young adults to assist with strengthen those skills

The bill requires the Department or contracted agencies to create a financial plan in meeting those needs while in post-secondary education and update the plan every six months until funding is no longer provided and create a transition plan that includes a minimum, how the young adult will meet his or her financial needs until funding is no longer provided. The plan shall be completed the year before the young adult graduates or before the young adult turns 23, whichever occurs first.

The proposed language will require the community-based care lead agency's independent living staff to provide additional support.

**Section 9: Collaboration with Board of Governors, Florida College System, and Department of Education to assist children and young adults who have been or are in foster care.**

**Present Situation**

Section 409.1452, F.S., requires the department to work in collaboration with the Board of Governors, the Florida College System, and the Department of Education to help address the need for a comprehensive support structure in the academic arena to assist children and young adults who have been or continue to remain in the foster care system in making the transition from a structured care system into an independent living setting. The Department has discretion in determining which colleges and universities would have a campus-based coach based on demographic data.

The Chancellor of the Florida College System and the Board of Governors are required to submit annually a report to the Department with specific data, subject to privacy laws, about the children and young adults served by the campus coaches, including academic progress, retention rates for students enrolled in the program, financial aid requested and received, and information required by the National Youth in Transition Database.

The Department currently contracts with a third-party provider to provide oversight for the responsibilities outlined in this section, provide technical assistance to campus programs, and collect data to monitor the child welfare populations use of the tuition and fee waiver established in s. 1009.25, F.S.

**Effect of the Bill**

The bill amends s. 409.1452, F.S., to remove the requirement that the Department collaborate with the Board of Governors, Florida College System, and the Department of Education. The bill also changes the roles and responsibilities of the campus liaisons. Removing the requirement for the Department to collaborate in relation to

<sup>3</sup> Pre-COVID enrollment number

<sup>4</sup> Total population potentially eligible for PESS

on-campus supports may have an unintended consequence on the relationship between the higher education system, the Department, and the child welfare community.

## **Section 10: Responsible Fatherhood Media Campaign.**

### **Present Situation**

Presently, the Department does not operate host or contract for a fatherhood media campaign. There are non-profits and external entities that focus on responsible fatherhood programming and media.

### **Effect of the Bill**

The bill creates s. 409.1664, F.S., the Responsible Fatherhood Media Campaign, which requires the Department to contract, subject to available resources, for the development and implementation of a communications initiative regarding responsible fatherhood. The initiative at a minimum shall include the following:

- A website and related electronic resources that will:
  - Allow fathers to obtain information about effective parenting,
  - Identify any areas in which support would enable them to enhance their ability to be an effective father; and
  - Connected father's to supports, including but not limited to that provided by organizations receiving grants under s. 409.1465; F.S.
- Print, television, and digital and social media elements, and public events, and may include appearances by and involvement from public figures and influencers.

In addition, the contracted provider must use appropriate materials from the fatherhood media campaign, available through the National Clearinghouse on Responsible Fatherhood, and collaborate with other agencies and organizations to develop and implement the initiative.

## **Section 11: Fatherhood Initiatives.**

### **Present Situation**

Presently, the Department does not operate grant programs to address the needs of fathers. There are non-profits and external entities that focus on the needs of fathers.

While the Department does not currently operate any grant award programs addressing fatherhood initiatives, the proposed grant award model is structurally similar to the Criminal Justice Mental Health and Substance Abuse Reinvestment Grant Program established under ss. 394.65 through 394.6591, F.S. Under the Reinvestment Grant Program, the Department awards \$9 million, funded through recurring General Revenue, to counties that apply for 3-year implementation or expansion programs and 1-year strategic planning projects. These grants are designed to address local needs impacting the intersections of behavioral health, criminal justice, and juvenile justice.

### **Effect of the Bill**

The bill creates s. 409.1465, F.S., which requires, subject to available funds, the Department to award grants to non-for-profit community-based organizations to address the needs of fathers.

The section creates two types of grant programs. The first type of grant is for a case management service to assist fathers in finding employment, managing child support obligations, transitioning from incarceration, accessing health care, understanding child development, and enhancing parenting skills. The second type of grant is for providing evidence-based parenting education specifically for fathers, not to include case management.

The section establishes requirements for the Department when awarding grants and requirements for applicants. The grants will be for up to three years, with subsequent year funding contingent on compliance with grant requirements and adequate performance. Grant recipients must submit reports in a format and at intervals prescribed by the department.

The bill language contemplates this grant program will address all fathers in the state of Florida, not only dependency-involved fathers.

**Section 12: Mentorship for at-risk male students.****Present Situation**

Presently, the Department does not operate any statutorily required statewide mentorship programs for at-risk male students. There are non-profits and external entities that focus on fatherhood initiatives and at-risk boys in general.

**Effect of the Bill**

The bill creates s. 409.1467, F.S., which requires the Department to contract with Volunteer Florida to provide grants to not-for-profit organizations to offer mentorship programs for at-risk male students. The grant program is subject to available funds.

The bill provides for several requirements of the grant program, grant award amounts, and grant recipients, as well as requirements of the Department when choosing grant recipients. The bill requires Volunteer Florida to provide technical assistance to grantees.

**Sections 13-16 do not impact the Department.****Section 17: Community-based care lead agency duties; general provisions.****Present Situation**

Section 39.301(11), F.S., requires the Department to incorporate into its quality assurance program the monitoring of reports that receive a child protective investigation to determine the quality and timeliness of safety assessments, engagements with families, teamwork with other experts and professionals, and appropriate investigative activities that are uniquely tailored to the safety factors associated with each child and family.

Section 39.4022(3), F.S., requires the Department to utilize multidisciplinary teams to allow for better engagement with families and a shared commitment and accountability from the family and their circle of support which includes an ongoing assessment of the child and the family's strengths and needs, monitoring for progress and that such plans are revised or updated as the child's or family's circumstances change.

**Effect of the Bill**

Section 409.988(1)(n), F.S., requires the community-based care lead agency to assess its engagement with fathers of children served by the lead agency, create and implement an action plan, and engage and assist fathers with accessing services. The community-based care lead agency shall hire father engagement specialists and prioritize employees for hire that have lived experience similar to fathers served by the lead agency. The father engagement specialist will also be responsible for communicating any challenges faced by the fathers to allow the community-based care lead agency to appropriately meet the father's needs.

The Department will be responsible for conducting an annual review on how each lead agency is meeting the needs of fathers.

The establishment of this program will require additional resources within each community-based care lead agency to meet the requirements of the language.

**Section 18: Duties of the Department of Children and Families.****Present Situation**

Section 409.996, F.S., requires the Department to annually conduct a comprehensive, multiyear review of the revenues, expenditures, and financial position of all community-based care lead agencies which must cover the most recent 2 consecutive fiscal years and must include a comprehensive system-of-care analysis. All community-based care lead agencies must develop and maintain a plan to achieve financial viability. The Department's review and the agency's plan are submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each year.

**Effect of the Bill**

The bill amends s. 409.996, F.S., by moving the due date for the report from November 1 to December 1 of each year. This extension will allow more time to compile information from the prior fiscal year.

**Section 19: Child welfare results-oriented accountability program.****Present Situation**

Section 409.997, F.S., establishes the child welfare results-oriented accountability program. As part of this program, the Department is required to conduct an annual performance report that is provided to interested

parties including the dependency judge or judges in the community-based care service area. The report is also submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1 of each year.

### **Effect of the Bill**

The bill amends s. 409.997, F.S., by moving the due date of the report from October 1 to November 15 of each year. This extension will allow more time to compile information from the prior fiscal year.

## **Section 20: Responsible Fatherhood Month.**

### **Present Situation**

Currently, the Department does not sponsor any statutorily required recognition initiatives.

### **Effect of the Bill**

The bill creates s. 683.334, F.S., establishing the month of June as “Responsible Fatherhood Month” in an effort to recognize the important role fathers play in their children’s lives. The bill also encourages the Department, The Department of Health, local governments, and other agencies to sponsor events to promote awareness of Responsible Fatherhood Month.

## **Section 21: Fee exemptions.**

### **Present Situation**

Section 1009.25(1), F.S., provides for exemptions from the payment of tuition and fees at workforce education programs, Florida College System institutions, or state universities for students who meet certain criteria. Those criteria include, but are not limited to:

- A student who is or was at the time he or she reached 18 years of age, in the custody of the Department or who, after spending at least six months in the custody of the Department after reaching 16 years of age, was placed in a guardianship by the court. Such exemption includes fees associated with enrollment in applied academics for adult education instruction. The exemption remains valid until the student reaches 28 years of age.
- A student who is or was at the time he or she reached 18 years of age, in the custody of a relative or nonrelative under s. 39.5085, F.S., or s. 39.6225, F.S., or who was adopted from the Department after May 5, 1997. Such exemption includes fees associated with enrollment in applied academics for adult education instruction. The exemption remains valid until the student reaches 28 years of age.

Who Receives Tuition Benefits under Current Law					
Placement Type	Open Case	Closed Reunification	Closed Adoption	Closed GAP (6 mon. lic)	Closed Permanent Guardianship
Parent	NO	NO	N/A	N/A	N/A
Relative/Nonrelative	YES, if receiving Relative or Nonrelative Caregiver Payments	N/A	YES	YES	YES, if PG was after child spent 6 mon. in DCF custody after turning 16
Level I Child-Specific License	YES	N/A	YES	YES	YES, if PG was after child spent 6 mon. in DCF custody after turning 16
Level II-V Licensure	YES	N/A	YES	YES	YES, if PG was after child spent 6 mon. in DCF custody after turning 16
# eligible candidates since 2004*	Unknown	0	63,168	1,875	4,803

\* Eligible based on case action. An additional ten years of eligibility between 1994-2004 cannot be captured in a FSFN report.

Students who are interested in the tuition and fee waiver contact either their local CBC or the Department, depending on their location, to determine eligibility. If a student is eligible, they receive a Tuition and Fee Exemption form (CF-FSP 5220) which states the student’s name, the provision of the statute the student satisfies, the date of their eligibility expiration, contact information for either a CBC or Department employee, and a

signature from either a CBC or Department employee. The student provides the signed form to their institution for higher learning

### **Effect of the Bill**

The bill amends s. 1009.25, F.S., to reorganize and expand the population of students eligible for the tuition and fee waiver. The bill provides eligibility for a student who was the subject of a dependency hearing and:

- Is, or was at the time he or she reached 18 years of age, in out-of-home care.
- Is, or was at the time he or she reached 18 years of age, in the custody of a relative or nonrelative pursuant to s. 39.5085, F.S., or s. 39.6225, F.S.
- After spending at least six months in the custody of the Department after reaching 16 years of age, was placed in a guardianship by the court.
- After reaching 14 years of age and thereafter spending at least 18 months in out-of-home care, was reunited with his or her parent or parents who were the subject of the dependency proceeding before he or she reaches 18 years of age, including a student who is reunited under s. 39.8155, F.S. For a student to be eligible under this subparagraph, the student must be Pell Grant-eligible, and the entity imposing the tuition and fees must verify such eligibility.
- Was adopted from the Department after May 5, 1997.
- Was placed in a permanent guardianship, regardless of whether the caregiver participates or participated in the Relative Caregiver Program under s. 39.5085, F.S., and remains in such guardianship until the student either reaches 18 years of age or, if before reaching 18 years of age, he or she enrolls in an eligible institution.

<b>Tuition Benefits under Bill Language (2022)</b>					
<b>Placement Type</b>	<b>Open Case</b>	<b>Closed Reunification</b>	<b>Closed Adoption</b>	<b>Closed GAP (6 mo licensure)</b>	<b>Closed Permanent Guardianship</b>
Parent	YES if reunified after reaching 14 and spending 18 months in OOHC	YES if reunified after reaching 14 and spending 18 months in OOHC	N/A	N/A	N/A
Relative/Nonrelative	YES	N/A	YES	YES	YES regardless of age or participation in RCP, so long as in PG at 18 or when enrolls in institution
Level I Child-Specific License	YES	N/A	YES	YES	YES regardless of age or participation in RCP, so long as in PG at 18 or when enrolls in institution
Level II-V Licensure	YES	N/A	YES	YES	YES regardless of age or participation in RCP, so long as in PG at 18 or when enrolls in institution
# of eligible candidates since 2004*	Total: 19,854 Parents: 2,292 <sup>5</sup> Other: 17,562	Captured within the Open Case #	63,168	1,875	Total: 42,616 PG: 49,479 Failed: 6,863

<sup>5</sup> This number assumes that all children are Pell Grant-eligible as required in the bill for reunified youth and young adults.

**2. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? NO**

If yes, explain:	N/A
What is the expected impact to the agency's core mission?	N/A
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

**3. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS? UNKNOWN**

List any known proponents and opponents:	N/A
Provide a summary of the proponents' and opponents' positions:	N/A

**4. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? YES**

If yes, provide a description:	DCF/DJJ dually involved youth, quarterly report to legislature.
Date Due:	Beginning in fiscal year 2022-2023 through fiscal year 2023-2024.
Bill Section Number(s):	Section 2.

**5. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL? NO**

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Appointee Term:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

**FISCAL ANALYSIS****1. WHAT IS THE FISCAL IMPACT TO LOCAL GOVERNMENT?**

Revenues:	None.
Expenditures:	None.
Does the legislation increase local taxes or fees?	No.

If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A
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## 2. WHAT IS THE FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	None.
Expenditures:	<p><b>Section 7:</b> The total below assumes all children in the eligible population attend an early learning or child care program and receive the full \$200. 10,367 children age 0-5 X \$200 = \$2,073,400 \$2,073,400 X 12 months = <b>\$24,880,800</b></p> <p><b>Section 8:</b> The range of the cost to state government is based on counting either the number of enrolled students in PESS pre-COVID or the number of youth in out-of-home care who are potentially eligible for PESS. This range is <b>\$6,798,528 to \$22,138,368. (see Effect of Bill on page 7)</b></p> <p><b>Sections 10-12:</b> It is important to note that all contracted services contemplated in these sections of the bill will need to be competitively procured in-line with legislative appropriation. Without appropriation, the Department will not be able to implement those requirements.</p>
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	N/A

## 3. WHAT IS THE FISCAL IMPACT TO THE PRIVATE SECTOR?

Revenues:	None.
Expenditures:	<p><b>Section 8:</b> The range of the cost to the CBCs could be based on counting either the number of enrolled students in PESS pre-COVID or the number of youth in out-of-home care who are potentially eligible for PESS.</p> <p>1,221 (number of enrolled students in PESS pre-COVID)</p> <p>3,976 (number of youth in out-of-home care who are potentially eligible for PESS)</p> <p><b>Section 17:</b> CBCs would be required to utilize Father Engagement Specialists to meet the required engagement and planning with fathers.</p>
Other:	N/A

## 4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? NO

Does the bill increase taxes, fees or fines?	No.
Does the bill decrease taxes, fees or fines?	No.
What is the impact of the increase or decrease?	N/A
Bill Section Number:	N/A

### TECHNOLOGY IMPACT

Does the legislation impact the agency's technology systems (i.e., IT support, licensing software, data storage, etc.)?	No.
If yes, describe the anticipated impact to the agency including any fiscal impact.	N/A

### FEDERAL IMPACT

Does the legislation have a federal impact (i.e. federal compliance, federal funding, federal agency involvement, etc.)?	No.
If yes, describe the anticipated impact including any fiscal impact.	N/A

### ADDITIONAL COMMENTS

#### Section 1:

Section 1 of the bill creates new s. 39.013(13), F.S., to provide that an individual's presence or attendance at a hearing or conference may be through that individual's physical appearance or, at the discretion of the court, through audio-video communication technology. This provision may be construed as enacting procedural law instead of substantive law. Generally, the Legislature has the power to enact substantive law, while the Florida Supreme Court has the power to enact procedural law. DeLisle v. Crane Co., 258 So. 3d 1219, 1224 (Fla. 2018). Substantive law has been described as that which defines, creates, or regulates rights. Id. Procedural law, on the other hand, is the form, manner, or means by which substantive law is implemented. Id. at 1225. Stated differently, procedural law "includes all rules governing the parties, their counsel and the Court throughout the progress of the case from the time of its initiation until final judgment and its execution." Allen v. Butterworth, 756 So.2d 52, 60 (Fla. 2000). Where the Florida Supreme Court promulgates rules relating to the practice and procedure of the courts and a statute provides a contrary practice or procedure, the statute may be held unconstitutional to the extent of the conflict. Haven Fed. Sav. & Loan Ass'n v. Kirian, 579 So. 2d 730, 732 (Fla. 1991).

#### Section 6:



This new requirement will result in a workload increase. The final approach to verifying information and facilitating accurate monthly payment will determine if there is a fiscal impact. If a minimal verification approach is implemented, such as an attestation, the Department can absorb this impact within current resources. If a more significant verification approach such as monthly monitoring and technology system interaction, there is the potential for a significant fiscal impact.

**LEGAL - GENERAL COUNSEL'S OFFICE REVIEW**

Issues/concerns/comments and recommended action:	None.
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**From:** [Brown, Terri](#)  
**To:** [Woodruff, Taylor](#)  
**Cc:** [Fiore, John Paul](#)  
**Subject:** House Request: Extended Foster Care - updated info  
**Date:** Thursday, January 20, 2022 10:15:52 AM

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**EXTERNAL EMAIL:** This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning,

Please see update below:

In State Fiscal Year (SFY) 2020-21, 1,047 young adults started the year at 17 years of age in Florida's foster care system. Of those, 862 (82%) aged out of care at the age of 18. Such foster youth can elect to enter Florida's extended foster care program if they meet certain requirements. Of these, 477 entered extended foster care and were eligible to receive foster care services until age 21 (or 22 if disabled).

Best,

JP

*John Paul Fiore, J.D.*

Director of Legislative Affairs  
Florida Department of Children and Families  
2415 North Monroe Street, Suite A150  
Tallahassee, Florida 32303  
Office: (850) 488-9410 | Cell: (850) 354-1551

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**From:** Woodruff, Taylor  
**Sent:** Wednesday, January 5, 2022 12:02 PM  
**To:** Fiore, John Paul  
**Subject:** Updated info

**CAUTION:** This email originated from outside of the Department of Children and Families. Whether you know the sender or not, do not click links or open attachments you were not expecting.

Hi, JP – can you please provide me with updated numbers for SFY 2020-21 for the information below?

In State Fiscal Year (SFY) 2019-20, 1,043 young adults 17 years of age were in Florida's foster care system. Of those, 866 (83%) aged out of care at the age of 18. Such foster youth can elect to enter Florida's extended foster care program if they meet certain requirements. Of these, 487 entered extended foster care and were eligible to receive foster care services until age 21 (or 22 if disabled).

Taylor Christy Woodruff  
Attorney  
Health and Human Services Committee  
Florida House of Representatives  
214 House Office Building  
402 S. Monroe Street  
Tallahassee, Florida 32399-1300  
(850) 717-4840

**Children, Families, and Seniors Subcommittee Questions  
Answered by Florida Youth SHINE Youth and Young Adults**

<p>Why do young adults drop out of PESS?</p>	<ul style="list-style-type: none"> <li>-Young adults more often than not drop out of PESS because of hardships and unrealistic standards it has on our success in life and in school. They expect people who have never been an adult before to handle all of the pressures right away and in the “right way,” defined by PESS credit requirements in order to receive benefits. Requirements are not one size fits all for all youth.</li> <li>-A lot of them just fail without getting any help on what each option is and understanding all options and each requirement.</li> <li>-Some fail or fall behind without getting help in their academics and become overwhelmed and give up. They are scared to ask for help and come back for PESS after being terminated.</li> <li>-We don’t learn about PESS, EFC until we are about to become adults, so we don’t start young visioning school as a possibility. Without that vision it is hard to prepare and be passionate about that.</li> <li>-When they are terminated, they have a negative attitude and don’t know they can re-enroll or feel overwhelmed and do not know how to turn too.</li> <li>-CBC’s impose additional requirements and paperwork, like a certain GPA or regular documents from professors and transcripts. Some of us forget to turn them in or don’t meet the minimum GPA because we are balancing school and a job.</li> <li>-Not everyone wants to go to college. Or they will start college just because of PESS and realize it’s not for them. They may not be passionate about school or a topic and feel forced to attend college when maybe exploring a career.</li> <li>- The stipend and going to school do not provide enough financial assistance currently to pay for housing and other necessities so we are forced to go get jobs and then have a tough time balancing it.</li> </ul>
<p>What PESS requirements are most problematic, and why are they problematic, and what are alternatives or possible</p>	<ul style="list-style-type: none"> <li>-Ending PESS at 23, as youth may still be in school after 23 and need the financial/CBC support as all other services end at 23, including Aftercare.</li> <li>The amount of PESS is now very low compared to the current prices in housing and increases in prices.</li> </ul>

<p>solutions?</p>	<p>Reduction in PESS stipend amount based on classes. Some people have kids, or jobs, or other commitments and they may not be able to take 3 classes and excel in them but can take 1 or two so for them it's not attainable.</p> <p>Certain credit amount sometimes you're taking up to 3, 4, or 5 classes to get the amount of credit you need. Do it by classes versus credit. One or two classes is easier to manage while we are working. It's unrealistic.</p> <p>You had to have been in foster care after 16. Kids that were in care for the majority of their life but didn't age out or were placed in a placement one week before they would have been eligible will lose all services and they still need the help. So, shouldn't be as strict for who is eligible based on placement at a certain age.</p> <p>A youth should not be expected to receive a 2.0 off the bat. Yes, a 2.0 is technically the bare minimum. However, where I find the issue is that it takes a plethora of work for the youth to get extensions, warnings or leg room to make mistakes. If a youth is going through depression they need to get a doctor's note to say that they are depressed so they will not get kicked off of PESS.</p> <p>-Should have other ways to meet requirements in regards to their career, like if they are doing an internship or doing something actively toward a career or a future where they could be financially stable that should meet a requirement.</p> <p>--I currently am only in one class and was supposed to get kicked off but my case manager and campus coach worked together to show that I shouldn't take the additional classes just for PESS.</p>
<p>Would more assessment and discussion about a youth's readiness for college, and/or more interaction with the CBC (either the local one where the college is, or the "home" one) during college/university be helpful?</p>	<p>Yes, if more people knew about things and were more informed we would feel more comfortable making those types of decisions. If someone was focused specifically on education both at the CBC and the college campus it would help us think and vision about our future. College may not be for every kid but they will just go to college to stay in programs, so an assessment could help as well as check ins by both campus professionals and CBC's.</p> <p>-With more interaction then they can connect us to resources and let us know about certain changes for example Chafee dollars now, most of the youth don't know about it.. Especially if they are not receiving services.</p> <p>More assessments and discussions would be helpful for youth to be more prepared for college prior to going and while attending. Discussions should</p>

	<p>be held as soon as possible as not all youth are interested in college and these discussions will help the youth develop plans for the long run. This is due to a lot of youth having limited interaction with colleges and many are the first one in their families to attend. Not every youth fully understands the workload of college to have that support during college would help youth who are struggling.</p>
<p>For those YS members who interact with their college/university's program to support former foster youth, what services are most helpful?</p>	<ul style="list-style-type: none"> <li>-Unconquered scholars helped me with so much such as:</li> <li>-finding a leadership role on and off campus within my passion</li> <li>-Helped with difficult professors during hard times</li> <li>-took us on family trips during FSU's family weekends</li> <li>-Provided a voice to let the university know about our unique needs</li> <li>-Provided a study space only accessible to us and our friends</li> <li>-provided printers, printer paper, a tv, wifi</li> <li>-provided us with our own food pantry including perishables and household items</li> <li>-Clothing closet and ability to get clothes tailored</li> <li>-Transportation to the grocery store</li> <li>-One on One Check in sessions</li> <li>-connected us with programs and internships within our field of study</li> <li>-ongoing connection after graduation</li> <li>-Opportunities to build a family with my peers</li> <li>-threw us a graduation party</li> <li>-provided me with a mentor</li> </ul> <p>-Fostering Panther Pride has been extremely helpful by providing reminders about things that were really important that you needed to do.</p> <p>-Usually when you have a specific problem you could go to them and they would know what to do, for example I had an issue with a parking permit and they helped navigate an issue.</p> <p>-When my exception is not applied they check and let me know, and if i didn't get the right amount of financial aid they follow up. They understand our unique needs and help us navigate these things and check in regularly. Made college a much smoother process.</p>



**SENATOR LAUREN BOOK**  
*Democratic Leader*  
32nd District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Children, Families, and Elder Affairs, *Vice Chair*  
Regulated Industries, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Health and  
Human Services  
Health Policy  
Rules

**JOINT COMMITTEE:**  
Joint Legislative Budget Commission

February 21, 2022

Chair Kelli Stargel  
Committee on Appropriations  
201 The Capitol  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Stargel:

I am writing to you to be excused from the Committee on Appropriations meeting that will be held on February 21, 2022 at 1 PM. I sincerely apologize for any inconvenience this may cause.

Thank you for your consideration. Please feel free to contact me at (850) 487-5032 if you have any questions.

Kindest Regards,

A handwritten signature in cursive script that reads "Lauren Book".

Senator Lauren Book  
Minority Leader  
Florida Senate, District 32

A handwritten signature in cursive script that reads "AARON BEAN".

cc: Tim Sadberry, Staff Director  
Alicia Weiss, Administrative Assistant

**REPLY TO:**

- ☐ 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
- ☐ 200 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**WILTON SIMPSON**  
President of the Senate

**AARON BEAN**  
President Pro Tempore

# CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Appropriations Committee

Judge:

Started: 2/21/2022 1:04:08 PM

Ends: 2/21/2022 5:35:15 PM

Length: 04:31:08

1:04:07 PM Sen. Stargel (Chair)  
1:05:33 PM H 5  
1:05:37 PM Sen. Bean (Chair)  
1:06:02 PM Sen. Stargel  
1:07:53 PM Am. 564798  
1:08:16 PM Sen. Stewart  
1:08:57 PM Sen. Pizzo  
1:09:23 PM Sen. Stewart  
1:11:06 PM Aurelie Colon Larraun, Latina Institute for Reproductive Justice Florida (waives in support)  
1:11:13 PM Bill Snyder (waives in opposition)  
1:11:20 PM Andrew Shirvell, Florida Voice for the Unborn, Inc. (waives in opposition)  
1:11:26 PM Annie Filkowski, The Florida Alliance of Planned Parenthood Affiliates (waives in support)  
1:11:35 PM Kathryn Thomson (waives in support)  
1:11:42 PM Ida Eskamani, Florida Rising (waives in support)  
1:11:55 PM Yureliz Nendez-Zaman, Florida Immigrant Coalition (waives in support)  
1:12:05 PM Adriana Rivera, Florida Immigrant Coalition (waives in support)  
1:12:13 PM Andrea Montanel, Hope Community Center (waives in support)  
1:12:34 PM Paula Munoz, Florida Immigrant Coalition (waives in support)  
1:12:40 PM Razi Chabie-Lara, Hope Community Center (waives in support)  
1:12:48 PM Edith Tavera, Hope Community Center (waives in support)  
1:13:02 PM Sen. Pizzo  
1:14:02 PM Sen. Gibson  
1:15:09 PM Sen. Stargel  
1:15:58 PM Sen. Stewart  
1:18:08 PM Am. 482852  
1:18:13 PM Sen. Gibson  
1:20:20 PM Andrea Muntanel, Hope Community Center (waives in support)  
1:20:26 PM Razi Chable-Lara, Hope Community Center (waives in support)  
1:20:32 PM Paula Munoz, Florida Immigrant Coalition (waives in support)  
1:20:41 PM Edith Tavera, Hope Community Center (waives in support)  
1:20:47 PM Kristellys Estanga (waives in support)  
1:20:56 PM Aurelie Colon Larraun, Latina Institute for Reproductive Justice Florida (waives in support)  
1:21:06 PM Bill Snyder (waives in opposition)  
1:21:13 PM Andrew Shirvell, Florida Voice for the Unborn, Inc. (waives in opposition)  
1:21:20 PM Annie Filkowski, The Florida Alliance of Planned Parenthood Affiliates (waives in support)  
1:21:31 PM Kathryn Thomson (waives in support)  
1:21:37 PM Ida Eskamani, Florida Rising (waives in support)  
1:21:50 PM Yureliz Nendez-Zamora, Florida Immigrant Coalition (waives in support)  
1:21:59 PM Adriana Rivera, Florida Immigrant Coalition (waives in support)  
1:22:07 PM Lauren Schlitt (waives in support)  
1:22:16 PM Tritney Nguyen (waives in support)  
1:22:22 PM Ally Walchak (waives in support)  
1:22:26 PM Jamie Clinton (waives in support)  
1:22:31 PM Trish Brown (waives in support)  
1:23:18 PM Sen. Stargel  
1:24:07 PM Sen. Gibson  
1:25:31 PM Am. 504120  
1:25:39 PM Sen. Powell  
1:27:24 PM Tritney Nguyen (waives in support)  
1:27:28 PM Jamie Clinton (waives in support)  
1:27:39 PM Lauren Schlitt (waives in support)  
1:27:42 PM Adriana Rivera, Florida Immigrant Coalition (waives in support)

1:27:48 PM Krystellys Estanga (waives in support)  
1:27:52 PM Tish Brown (waives in support)  
1:27:56 PM Ally Walchak (waives in support)  
1:28:01 PM Aurelie Colon Larrauri, Latina Institute for Reproductive Justice Florida  
1:28:10 PM Aaron DiPietro, Florida Family Policy Council (waives in opposition)  
1:28:22 PM Annie Filkowski, The Florida Alliance of Planned Parenthood Affiliates (waives in support)  
1:28:32 PM Ida Eskamani, Florida Rising (waives in support)  
1:28:41 PM Razi Chable-Lara, Hope Community Center (waives in support)  
1:28:50 PM Edith Tavera, Hope Community Center (waives in support)  
1:28:57 PM Andrea Montanel, Hope Community Center (waives in support)  
1:29:10 PM Paula Munoz, Florida Immigrant Coalition (waives in support)  
1:29:25 PM Andrew Shirvell, Florida Voice for the Unborn, Inc.  
1:29:38 PM A. Shirvell  
1:30:41 PM Sen. Pizzo  
1:30:54 PM A. Shirvell  
1:31:16 PM Sen. Pizzo  
1:31:25 PM A. Shirvell  
1:31:29 PM Sen. Pizzo  
1:31:31 PM A. Shirvell  
1:31:35 PM Sen. Pizzo  
1:31:48 PM Bill Snyder  
1:32:32 PM Kathryn Thomson  
1:34:02 PM Sen. Gibson  
1:35:24 PM Sen. Pizzo  
1:38:53 PM Sen. Stewart  
1:40:07 PM Sen. Stargel  
1:42:14 PM Jordan Bryant (waives in support)  
1:42:18 PM Elizabeth Baker (waives in support)  
1:42:20 PM Kristellys Estanga  
1:42:24 PM Sen. Powell  
1:45:39 PM Sen. Pizzo  
1:47:11 PM Am. 142472  
1:47:24 PM Sen. Pizzo  
1:47:58 PM Tish Brown (waives in opposition)  
1:48:05 PM Lauren Schlitt (waives in opposition)  
1:48:14 PM Kristellys Estanga (waives in opposition)  
1:48:22 PM Ida Eskamani, Florida Rising (waives in opposition)  
1:48:27 PM Bill Bunkley, Florida Ethics and Religious Liberty Commission (waives in opposition)  
1:48:35 PM Aaron DiPietro, Florida Family Policy Council  
1:50:07 PM Andrew Shirvell, Florida Voice for the Unborn, Inc.  
1:51:05 PM Sen. Pizzo  
1:51:22 PM A. Shirvell  
1:51:52 PM Christie Arnold, Florida Conference of Catholic Bishops  
1:53:37 PM Kristellys Estanga  
1:54:29 PM Sen. Brandes  
1:55:41 PM Sen. Stargel  
1:56:27 PM Sen. Pizzo  
1:59:22 PM Sen. Bracy  
1:59:54 PM Sen. Stargel  
2:00:35 PM Sen. Bracy  
2:00:42 PM Sen. Stargel  
2:01:26 PM Sen. Bracy  
2:02:56 PM Sen. Stargel  
2:04:11 PM Sen. Bracy  
2:04:35 PM Sen. Stargel  
2:05:44 PM Sen. Stewart  
2:06:43 PM Sen. Stargel  
2:07:08 PM Sen. Stewart  
2:07:26 PM Sen. Stargel  
2:07:50 PM Sen. Pizzo  
2:07:56 PM Sen. Stargel  
2:09:35 PM Sen. Pizzo



2:09:42 PM	Sen. Stargel
2:09:54 PM	Sen. Pizzo
2:10:20 PM	Sen. Stargel
2:11:05 PM	Sen. Pizzo
2:11:17 PM	Sen. Stargel
2:11:51 PM	Sen. Pizzo
2:12:06 PM	Sen. Stargel
2:12:17 PM	Sen. Pizzo
2:12:28 PM	Sen. Stargel
2:12:36 PM	Sen. Pizzo
2:13:27 PM	Sen. Stargel
2:14:23 PM	Sen. Pizzo
2:15:38 PM	Sen. Stargel
2:16:50 PM	Sen. Rouson
2:17:20 PM	Sen. Stargel
2:17:45 PM	Sen. Powell
2:18:13 PM	Sen. Stargel
2:18:49 PM	Sen. Powell
2:19:40 PM	Sen. Stargel
2:20:19 PM	Sen. Powell
2:20:36 PM	H 5 (cont.)
2:21:04 PM	Jordan Bryant (waives in opposition)
2:21:10 PM	Elizabeth Baker (waives in opposition)
2:21:14 PM	Tritney Nguyen (waives in opposition)
2:21:17 PM	Neketa Nesmith (waives in opposition)
2:21:21 PM	Justin Sealy (waives in opposition)
2:21:27 PM	Jamie Clinton (waives in opposition)
2:21:29 PM	Van Sullivan (waives in support)
2:21:40 PM	Andrea Frial (waives in opposition)
2:21:48 PM	Bill Bunkley, Florida Ethics and Religious Liberty Commission (waives in support)
2:21:58 PM	Kathie Gentile (waives in opposition)
2:22:03 PM	Annie Filkowski, The Florida Alliance of Planned Parenthood Affiliates (waives in opposition)
2:22:12 PM	Karen Wooddall, Florida Center for Fiscal Economic Policy (waives in opposition)
2:22:19 PM	Barbara DeVane, Florida National Organization for Women (waives in opposition)
2:22:33 PM	Yareliz Nendez-Zamora, Florida Immigrant Coalition (waives in opposition)
2:22:41 PM	Adriana Rivera, Florida Immigrant Coalition (waives in opposition)
2:22:48 PM	Andrea Montanel, Hope Community Center (waives in opposition)
2:22:57 PM	Edith Tavera, Hope Community Center (waives in opposition)
2:23:04 PM	Razi Chable-Lara, Hope Community Center (waives in opposition)
2:23:10 PM	Paula Munoz, Florida Immigrant Coalition (waives in opposition)
2:23:18 PM	Melanie Andrade Williams, Florida Alliance of Planned Parenthood Affiliates (waives in opposition)
2:23:29 PM	Kristellys Estanga (waives in opposition)
2:23:54 PM	John Harris Manner, Equality Florida
2:25:00 PM	Kara Gross, American Civil Liberties Union Florida
2:26:31 PM	Ally Walchak
2:27:38 PM	Andrew Shirvell, Florida Voice for the Unborn, Inc.
2:28:44 PM	Bill Snyder
2:30:00 PM	Christie Arnold, Florida Conference of Catholic Bishops
2:30:50 PM	Cecilia Sullivan
2:32:53 PM	Jeremy Cohen
2:34:26 PM	Aurelie Colon Larrauli, Latina Institute for Reproductive Justice Florida
2:36:05 PM	Amy Bloom
2:38:11 PM	Aaron DiPietro, Florida Family Policy Council
2:39:29 PM	Trish Neely, League of Women Voters Florida
2:41:08 PM	Anthony Verdugo, Christian Family Coalition
2:42:28 PM	Wendy Gallegos
2:43:56 PM	Hana Tabbaa (waives in opposition)
2:43:57 PM	Laura Rodriguez
2:45:31 PM	Kate Tardif
2:47:11 PM	Kathryn Thomson
2:48:48 PM	Devon Graham, American Atheists
2:50:02 PM	Sandra Weeks

2:53:23 PM	Margaret Joseph
2:55:15 PM	Judy Holleran
2:56:55 PM	Cynthia Sheckley
2:58:35 PM	Dorothy Banon
2:59:34 PM	Brenda Gentzler
3:00:00 PM	Richard Carlins
3:01:14 PM	Ida Eskamani, Florida Rising
3:03:50 PM	Hillary Cassel
3:05:43 PM	Jason Phillips
3:07:33 PM	Sen. Pizzo
3:07:43 PM	J. Phillips
3:08:06 PM	Sen. Pizzo
3:08:15 PM	J. Phillips
3:08:25 PM	Sen. Pizzo
3:08:30 PM	J. Phillips
3:08:33 PM	Sen. Pizzo
3:08:36 PM	J. Phillips
3:08:49 PM	Sen. Pizzo
3:08:52 PM	J. Phillips
3:08:56 PM	Sen. Bean
3:09:05 PM	J. Phillips
3:09:08 PM	Sen. Bean
3:09:10 PM	J. Phillips
3:09:15 PM	Pam Olsen
3:10:57 PM	Sen. Powell
3:11:09 PM	P. Olsen
3:11:12 PM	Sen. Powell
3:11:17 PM	Karen Jaroche, Heritage Action for America
3:12:59 PM	Les Pio
3:14:57 PM	Monty Estes
3:17:56 PM	Deborah Dellaud (waives in opposition)
3:18:31 PM	David Caicedo
3:19:49 PM	Sen. Gibson
3:28:11 PM	Sen. Stewart
3:29:25 PM	Sen. Pizzo
3:38:14 PM	Sen. Rouson
3:40:23 PM	Sen. Passidomo
3:44:25 PM	Sen. Stargel
3:48:41 PM	Sen. Stargel (Chair)
3:49:09 PM	S 70
3:49:29 PM	Am. 683242
3:49:36 PM	Sen. Rouson
3:50:04 PM	Am. 859040
3:50:10 PM	Sen. Rouson
3:50:35 PM	S 70 (cont.)
3:51:29 PM	S 80
3:51:43 PM	Am. 332448
3:51:47 PM	Sen. Baxley
3:52:45 PM	S 80 (cont.)
3:53:26 PM	S 606
3:53:36 PM	Am. 271670
3:53:49 PM	Sen. Garcia
3:54:47 PM	Am. 737178
3:54:47 PM	Am. 306914
3:54:57 PM	Sen. Garcia
3:55:02 PM	Am. 140832
3:55:21 PM	Sen. Garcia
3:57:10 PM	Sen. Pizzo
3:57:47 PM	Sen. Garcia
3:57:50 PM	Sen. Pizzo
3:58:12 PM	Sen. Garcia
3:58:19 PM	Sen. Pizzo

3:58:23 PM Sen. Stargel  
3:58:32 PM Sen. Pizzo  
3:58:47 PM Sen. Garcia  
3:58:50 PM Sen. Stargel  
3:59:04 PM S 606 (cont.)  
3:59:05 PM Jess McCarty, Executive Assistant County Attorney, Miami-Dade County (waives in support)  
3:59:15 PM Sen. Brandes  
4:01:26 PM Sen. Garcia  
4:03:24 PM S 780  
4:03:28 PM Sen. Hutson  
4:04:07 PM Sen. Powell  
4:04:45 PM Sen. Hutson  
4:05:03 PM Sen. Powell  
4:05:09 PM Sen. Hutson  
4:06:42 PM S 1374  
4:06:49 PM Am. 878184  
4:06:57 PM Sen. Rodriguez  
4:07:09 PM Sen. Stargel  
4:07:13 PM Sen. Rodriguez  
4:08:25 PM S 1374 (cont.)  
4:08:27 PM Adam Basford, Associated Industries of Florida (waives in support)  
4:08:36 PM Allison Kinney, HCA Healthcare (waives in support)  
4:08:44 PM Gabe Warren, HCA Healthcare (waives in support)  
4:08:46 PM Kathleen Murphy, Florida PTA (waives in support)  
4:09:37 PM S 1764  
4:09:50 PM Am. 576990  
4:09:56 PM Sen. Albritton  
4:10:29 PM Am. 564838  
4:10:35 PM Sen. Albritton  
4:10:45 PM Kevin Cleary, West Rock (waives in support)  
4:10:47 PM S 1764 (cont.)  
4:11:04 PM Sen. Gibson  
4:11:22 PM Sen. Albritton  
4:11:41 PM Sen. Gibson  
4:12:20 PM Sen. Albritton  
4:13:32 PM Sen. Gibson  
4:14:01 PM Sen. Albritton  
4:14:55 PM Sen. Gibson  
4:15:15 PM Sen. Albritton  
4:16:12 PM Ida Eskamani, Florida Rising (waives in opposition)  
4:16:21 PM Sen. Pizzo  
4:17:02 PM Karen Woodall, Earth Justice  
4:18:04 PM S 1808  
4:18:08 PM Sen. Bean  
4:18:39 PM Am. 444482  
4:18:53 PM Sen. Bean  
4:20:37 PM Sen. Pizzo  
4:20:55 PM Sen. Bean  
4:21:33 PM Sen. Pizzo  
4:21:45 PM Sen. Bean  
4:22:43 PM Ida Eskamani, Florida Immigrant Coalition  
4:22:48 PM Karen Woodall, Florida Center for Fiscal and Economic Policy  
4:26:39 PM Am. 677652  
4:26:46 PM Sen. Rouson  
4:27:48 PM Annie Filkowski, The Florida Alliance of Planned Parenthood Affiliates (waives in support)  
4:27:51 PM Aurelie Colon Larrauli (waives in support)  
4:28:05 PM Ida Eskamani, Florida Immigrant Coalition (waives in support)  
4:28:12 PM Yureliz Nandez- Zamora, Florida Immigrant Coalition (waives in support)  
4:28:20 PM Edith Tavera, Hope Community Center (waives in support)  
4:28:25 PM Adriana Rivera, Florida Immigrant Coalition (waives in support)  
4:28:31 PM Andrea Montanel, Hope Community Center (waives in support)  
4:28:44 PM Paula Munoz, Florida Immigrant Coalition (waives in support)

4:28:52 PM Razi Chable-Lara, Hope Community Center (waives in support)  
4:28:57 PM Alexis Tsoukalas, Florida Policy Institute (waives in support)  
4:29:29 PM Sen. Bean  
4:30:08 PM Sen. Rouson  
4:30:24 PM Am. 799844  
4:30:30 PM Sen. Rouson  
4:31:52 PM Annie Filkowski, The Florida Alliance of Planned Parenthood Affiliates (waives in support)  
4:31:53 PM Aurelie Colon Larrauli (waives in support)  
4:31:54 PM Ida Eskamani, Florida Immigrant Coalition (waives in support)  
4:31:55 PM Yureliz Nandez- Zamora, Florida Immigrant Coalition (waives in support)  
4:31:56 PM Edith Tavera, Hope Community Center (waives in support)  
4:31:57 PM Adriana Rivera, Florida Immigrant Coalition (waives in support)  
4:31:58 PM Andrea Montanel, Hope Community Center (waives in support)  
4:31:59 PM Paula Munoz, Florida Immigrant Coalition (waives in support)  
4:32:00 PM Razi Chable-Lara, Hope Community Center (waives in support)  
4:32:01 PM Alexis Tsoukalas, Florida Policy Institute (waives in support)  
4:32:03 PM Sen. Pizzo  
4:32:14 PM Sen. Bean  
4:33:29 PM Sen. Rouson  
4:34:16 PM Am. 185122  
4:34:28 PM Sen. Stewart  
4:34:58 PM Annie Filkowski, The Florida Alliance of Planned Parenthood Affiliates (waives in support)  
4:34:59 PM Aurelie Colon Larrauli (waives in support)  
4:35:00 PM Ida Eskamani, Florida Immigrant Coalition (waives in support)  
4:35:01 PM Yureliz Nendez- Zamora, Florida Immigrant Coalition (waives in support)  
4:35:02 PM Edith Tavera, Hope Community Center (waives in support)  
4:35:03 PM Adriana Rivera, Florida Immigrant Coalition (waives in support)  
4:35:04 PM Andrea Montanel, Hope Community Center (waives in support)  
4:35:05 PM Paula Munoz, Florida Immigrant Coalition (waives in support)  
4:35:06 PM Razi Chable-Lara, Hope Community Center (waives in support)  
4:35:07 PM Alexis Tsoukalas, Florida Policy Institute (waives in support)  
4:35:16 PM Sen. Bean  
4:36:44 PM Sen. Stewart  
4:37:36 PM Ams. 256174, 665684, 413230  
4:37:40 PM S 1808 (cont.)  
4:37:46 PM Sen. Gibson  
4:38:12 PM Sen. Bean  
4:38:40 PM Sen. Gibson  
4:38:58 PM Sen. Bean  
4:39:16 PM Sen. Pizzo  
4:39:49 PM Sen. Bean  
4:39:55 PM Sen. Pizzo  
4:40:02 PM Sen. Bean  
4:40:18 PM Sen. Pizzo  
4:40:25 PM Sen. Bean  
4:40:41 PM Sen. Pizzo  
4:41:25 PM Sen. Bean  
4:41:55 PM Sen. Pizzo  
4:42:10 PM Sen. Bean  
4:42:12 PM Sen. Pizzo  
4:42:23 PM Sen. Bean  
4:42:43 PM Sen. Pizzo  
4:42:55 PM Sen. Bean  
4:43:36 PM Donn Scott, Jr., Southern Poverty Law Center Action Fund (waives in opposition)  
4:43:41 PM Jonathan Webber, Florida Conservation Voters (waives in opposition)  
4:43:48 PM Laurette Philipsen (waives in opposition)  
4:43:54 PM Christie Arnold, Florida Conference of Catholic Bishops (waives in opposition)  
4:44:00 PM Towson Fraser, American Business Immigration Coalition- Action (waives in opposition)  
4:44:05 PM Kathleen Murphy (waives in opposition)  
4:44:49 PM Razi Chable-Lara, Hope Community Center  
4:46:59 PM Andrea Montaeuz, Hope Community Center  
4:50:24 PM Sen. Stewart

4:50:57 PM	Paula Munoz, Florida Immigration Center
4:53:10 PM	Edith Tavera, Hope Community Center
4:55:45 PM	Alexis Tsoukalas, Florida Policy Institute
4:58:15 PM	Yureliz Mendez-Zamora, Florida Immigrant Coalition
5:00:24 PM	Nye Davis, Florida Immigrant Coalition
5:02:15 PM	Adriana Rivera, Florida Immigrant Coalition
5:03:28 PM	Karen Woodall, Florida Center for Fiscal and Economic Policy
5:04:22 PM	Aurelie Colon Laurraun, Latina Institute for Reproductive Justice Florida
5:06:28 PM	Kara Gross, American Civil Liberties Union Florida
5:09:04 PM	David Caicedo, Florida Student Power Network
5:10:12 PM	Ida Eskamani, Florida Immigrant Coalition
5:12:15 PM	Sen. Rouson
5:13:48 PM	Sen. Pizzo
5:16:43 PM	Sen. Gibson
5:19:04 PM	Sen. Stargel
5:19:53 PM	Sen. Bean
5:22:37 PM	S 1892
5:22:43 PM	Sen. Gibson
5:23:25 PM	Sen. Burgess
5:24:43 PM	Sen. Powell
5:25:02 PM	Sen. Burgess
5:25:35 PM	Greg Black, National Association of Chain Drug Stores (waives in support)
5:25:44 PM	Claudia Durant (waives in support)
5:25:51 PM	Michael Jackson, Florida Pharmacy Association
5:25:58 PM	Grace Lovett, Florida Retail Federation
5:26:58 PM	S 7034
5:27:07 PM	Am. 878354
5:27:20 PM	Sen. Garcia
5:28:47 PM	Am. 540450
5:29:00 PM	Sen. Garcia
5:29:10 PM	S 7034 (cont.)
5:29:11 PM	Sara Clements, Florida Foster and Adoptive Parent Association (waives in support)
5:30:13 PM	Sen. Pizzo
5:30:20 PM	S 7065
5:30:26 PM	Sen. Bean
5:32:43 PM	Sen. Rouson
5:33:03 PM	Sen. Bean
5:33:07 PM	Sen. Rouson
5:33:16 PM	Sen. Bean
5:34:26 PM	Sen. Bean
5:34:38 PM	Sen. Stargel
5:35:14 PM	
5:35:14 PM	