

SB 604 by **Pizzo**; (Identical to H 00763) Registered Contractor Licensing

SB 1152 by **Pizzo**; (Compare to H 00647) Community Association Safety Systems

SB 1252 by **Gruters**; (Identical to H 00977) Public Accountancy

SB 648 by **Mayfield (CO-INTRODUCERS) Perry, Stewart**; (Identical to H 00549) Continuing Education for Dentists

SB 1124 by **Harrell**; (Identical to H 01115) Dispensing Medicinal Drugs

695950	A	S	RCS	IT, Harrell	Delete L.15 - 35:	03/20 08:39 AM
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SB 196 by **Powell**; Office of Public Counsel

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SB 742 by **Braynon**; (Similar to H 01381) Designation of Eligible Telecommunications Carriers

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

INNOVATION, INDUSTRY AND TECHNOLOGY

Senator Simpson, Chair

Senator Benacquisto, Vice Chair

MEETING DATE: Tuesday, March 19, 2019

TIME: 4:00—6:00 p.m.

PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator Simpson, Chair; Senator Benacquisto, Vice Chair; Senators Bracy, Bradley, Brandes, Braynon, Farmer, Gibson, Hutson, and Passidomo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 604 Pizzo (Identical H 763)	Registered Contractor Licensing; Extending the date by which an applicant must make application for a license to be grandfathered, etc. IT 03/19/2019 Favorable CA RC	Favorable Yeas 9 Nays 0
2	SB 1152 Pizzo (Compare H 647, H 723, CS/S 908, S 1732)	Community Association Safety Systems; Providing that a certificate of compliance from a licensed professional engineer may be accepted as evidence of compliance with certain codes; revising the requirements for retrofitting units, association property, and common elements; prohibiting the local authority having jurisdiction from requiring completion of a retrofitting with certain systems before a specified date, etc. IT 03/19/2019 Favorable CA RC	Favorable Yeas 8 Nays 1
3	SB 1252 Gruters (Identical H 977)	Public Accountancy; Revising the percentage of total hours of accounting-related and auditing-related continuing education required by the Board of Accountancy for license renewal; updating provisions relating to license reactivation; prohibiting a person from performing or offering to perform certain services without a license, etc. IT 03/19/2019 Favorable BI RC	Favorable Yeas 9 Nays 0
4	SB 648 Mayfield (Identical H 549)	Continuing Education for Dentists; Requiring a licensed dentist to complete a minimum of 2 hours of continuing education on the prescribing of controlled substances biennially, etc. HP 03/04/2019 Favorable IT 03/19/2019 Favorable RC	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Innovation, Industry and Technology

Tuesday, March 19, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1124 Harrell (Identical H 1115)	Dispensing Medicinal Drugs; Authorizing individuals licensed to prescribe medicinal drugs to dispense a 48-hour supply, rather than a 24-hour supply, of such drugs to any patient, including a discharged patient, under certain circumstances, etc. HP 03/11/2019 Favorable IT 03/19/2019 Fav/CS RC	Fav/CS Yeas 9 Nays 0
6	SB 196 Powell	Office of Public Counsel; Providing term limits for the Public Counsel; requiring the Committee on Public Counsel Oversight to receive applications, conduct interviews, and appoint a Public Counsel by a specified date every 4 years; providing for the filling of vacancies, etc. IT 03/19/2019 Fav/CS GO RC	Fav/CS Yeas 9 Nays 0
7	SB 742 Braynon (Similar H 1381)	Designation of Eligible Telecommunications Carriers; Including certain commercial mobile radio service providers within the definition of the term "eligible telecommunications carrier"; authorizing the Public Service Commission to designate any commercial mobile radio service provider as an eligible telecommunications carrier for the limited purpose of providing Lifeline service; deleting a provision requiring carriers to allow subscribers to demonstrate continued eligibility for Lifeline service under certain conditions, etc. IT 03/19/2019 Favorable GO RC	Favorable Yeas 9 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

BILL: SB 604

INTRODUCER: Senator Pizzo

SUBJECT: Registered Contractor Licensing

DATE: March 19, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	IT	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 604 extends until November 1, 2021, the deadline for eligible electrical contractors, electrical specialty contractors, and alarm system contractors who are registered with the Department of Business and Professional Regulation (DBPR) and authorized to work in local jurisdictions, to apply for a certificate of competency from DBPR. Upon certification, such contractors may engage in their trade category throughout the state, with no geographic limitation. A similar deadline extension expired in 2015. The DBPR estimates there are approximately 1,501 currently registered contractors in the state who may be eligible to apply for certification during the extension period.¹ No mandatory licensure requirement is created by the availability to qualify as a certified contractor.

II. Present Situation:

Part II of ch. 489, F.S., dealing with electrical and alarm system contracting, sets forth requirements for qualified persons to be licensed if they have sufficient technical expertise in the applicable trade, and have been tested on technical and business matters.² The Electrical Contractors' Licensing Board (board) in the DBPR implements Part II of ch. 489, F.S.³

An electrical contractor is a person whose business includes the electrical trade field and who has the experience, knowledge, and skill to install, repair, alter, add to, or design, in compliance with law, electrical wiring, fixtures, and appliances, and any related part, which generates, transmits, or uses electrical energy, in compliance with applicable plans, specifications, codes, laws, and regulations.⁴ The term also includes any person, firm, or corporation that engages in the business

¹ See 2019 Agency Legislative Bill Analysis (Department of Business and Professional Regulation) for SB 604, Feb. 18, 2019 (on file with Senate Committee on Innovation, Industries, and Technology) at page 4.

² See s. 489.501, F.S.

³ See ss. 489.507 through 489.517, F.S., concerning the powers and duties of the board.

⁴ See s. 489.505(12), F.S.

of electrical contracting under an expressed or implied contract or that undertakes, offers to undertake, or submits a bid to engage in the business of alarm contracting.⁵

An alarm system contractor is a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to conduct all alarm services for compensation, for all types of alarm systems for all purposes.⁶ The term also includes any person, firm, or corporation that engages in the business of alarm contracting under an expressed or implied contract or that undertakes, offers to undertake, or submits a bid to engage in the business of alarm contracting.⁷ An alarm system contractor whose business includes all types of alarm systems for all purposes is designated as an “alarm system contractor I;” the practice area of an “alarm system contractor II” is identical except that it does not include fire alarm systems.⁸

The terms “registered alarm system contractor,” and “registered electrical contractor” mean those contractors who have registered with DBPR as part of meeting competency requirements for their trade category in the particular jurisdiction for which the registration is issued. Registered contractors may contract only in the jurisdiction for which the registration is issued.⁹

The term “certification” means the act by a contractor obtaining or holding a geographically unlimited certificate of competency from the DBPR.¹⁰ When an alarm system contractor is certified, the contractor possesses a certificate of competency, with some limitations as to the scope of work that may be undertaken, without any mandatory licensure requirement.¹¹ The term “certified electrical contractor” means an electrical contractor who possesses a certificate of competency.

To be certified a person must be 18 years of age, pass the certification examination, be of good moral character, and meet the eligibility requirements of s. 489.511(1)(b)3., F.S.

Unless an exemption applies, the term “contracting” means engaging in business as a contractor or performing electrical or alarm work for compensation and includes, but is not limited to, performance of the work that may be performed by electrical or alarm system contractors.¹² The attempted sale of contracting services and the negotiation or bid for a contract on these services also constitutes contracting. If the services offered require licensure or agent qualification, the

⁵ *Id.*

⁶ *See* s. 489.505(2), F.S.

⁷ *Id.*

⁸ *Id.*

⁹ *See* ss. 489.505(16), (21), and (22), F.S.

¹⁰ *See* ss. 489.505(4), (5), and (6), F.S.

¹¹ *See* s. 489.505(7), F.S., which describes the limitations on the scope of a certificate of competency as those circuits originating in alarm control panels, equipment governed by the Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition, as well as the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks. RMS is the abbreviation for “root mean square,” a statistical term defined as the square root of mean square. *See* <http://www.practicalphysics.org/explaining-rms-voltage-and-current.html> (last visited Mar. 14, 2019).

¹² *See* s. 489.505(9), F.S.; *see also*, ss. 489.505(2) and (12), F.S., for the various services that may be performed, and ss. 489.503(1) through (24) for the persons and types of work that are exempted from the term “contracting.”

offering, negotiation for a bid, or attempted sale of these services requires the corresponding licensure.¹³

The term “specialty contractor” means a contractor whose scope of practice is limited to a specific category of electrical or alarm system contracting, such as residential electrical contracting, maintenance of electrical fixtures, and fabrication, erection, installation, and maintenance of electrical advertising signs.¹⁴

Section 489.514, F.S., requires the board to issue certification allowing an electrical, electrical specialty or alarm system contractor to engage in the specified trade category throughout the state, upon:

- Receipt of a completed application;
- Payment of the appropriate fee; and
- Evidence that he or she qualifies for the certification in a trade category based on:
 - Having a valid registered local license;
 - Passing an approved written examination;
 - Having a minimum of five years’ contracting experience in the applicable trade category (with an active license and excluding probationary periods);
 - Never having had a contractor’s license revoked, and during the last five years, not having had a suspended license or been assessed a fine in excess of \$500; and
 - Meeting all required insurance and financial responsibility requirements.¹⁵

The board has established a \$200 fee for applications for certification of registered contractors.¹⁶

III. Effect of Proposed Changes:

SB 604 extends until November 1, 2021, the deadline for eligible electrical contractors, electrical specialty contractors, and alarm system contractors who are registered with the Department of Business and Professional Regulation (DBPR) and authorized to work in local jurisdictions, to apply and qualify for a certificate of competence. Once certified, such contractors may engage in their trade category throughout the state, with no geographic limitation. A similar extension expired in 2015.¹⁷ The DBPR estimates there are approximately 1,501 currently registered contractors in the state and approximately 303 inactive registered contractors who may be eligible to apply for certification during the extension period.¹⁸

¹³ See s. 489.505(9), F.S.

¹⁴ See s. 489.505(19), F.S.

¹⁵ See s. 489.515(1)(b), F.S., which provides that an applicant must submit satisfactory evidence of workers’ compensation insurance or an acceptable exemption issued by DBPR, public liability and property damage insurance in amounts determined by the board, and evidence of financial responsibility, credit, and business reputation of either the contractor or the business sought to be qualified for certification.

¹⁶ See s. 489.109, F.S., and Fla. Admin. Code R. 61G6-8.001 (2019).

¹⁷ See ch. 2013-193, s. 11, Laws of Florida, which extended the deadline to apply for certification to November 1, 2015 from November 1, 2004.

¹⁸ See 2019 Agency Legislative Bill Analysis (Department of Business and Professional Regulation) for SB 604, Feb. 18, 2019 (on file with Senate Committee on Innovation, Industries, and Technology) at page 4.

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:

Registered contractors may voluntarily choose to apply for certification for the required \$200 fee, if engaging in their trade category throughout the state, with no geographic limitation.

C. Government Sector Impact:

The DBPR estimates as many as 1,501 active registered contractors and 303 inactive registered contractors have the required experience and may voluntarily choose to apply and qualify for a certificate of competence.¹⁹ According to the DBPR, if all such eligible contractors apply for certification and pay the required \$200 application fee, the total associated fees collected could be approximately \$360,800.²⁰

VI. Technical Deficiencies:

None.

¹⁹ *Id.*

²⁰ *Id.*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 489.514 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



The Florida Senate

Committee Agenda Request

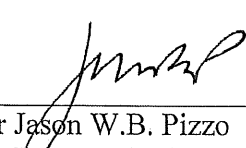
To: Senator Wilton Simpson, Chair
Committee on Innovation, Industry, and Technology

Subject: Committee Agenda Request

Date: February 15, 2019

I respectfully request that **Senate Bill #604**, relating to Registered Contractor Licensing, be placed on the:

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



Senator Jason W.B. Pizzo
Florida Senate, District 38



ANALYSIS

2019 AGENCY LEGISLATIVE BILL

AGENCY: Department of Business & Professional Regulation

BILL INFORMATION

BILL NUMBER:	SB 604
BILL TITLE:	Registered Contractor Licensing
BILL SPONSOR:	Sen. Pizzo
EFFECTIVE DATE:	7/1/19

COMMITTEES OF REFERENCE

- 1) Innovation, Industry, & Technology
- 2) Community Affairs
- 3) Rules
- 4)
- 5)

CURRENT COMMITTEE

N/A

SIMILAR BILLS

BILL NUMBER:	N/A
SPONSOR:	N/A

PREVIOUS LEGISLATION

BILL NUMBER:	N/A
SPONSOR:	N/A
YEAR:	N/A
LAST ACTION:	N/A

IDENTICAL BILLS

BILL NUMBER:	HB 763
SPONSOR:	Rep B. Watson

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	February 18, 2019
LEAD AGENCY ANALYST:	Ruthanne Christie, Executive Director
ADDITIONAL ANALYST(S):	Thomas Izzo, OGC Rules Tom Coker, Technology Tracy Dixon, Service Operations Sally Raines, OGC Construction
LEGAL ANALYST:	Tom Thomas, Deputy General Counsel

FISCAL ANALYST:	Raleigh Close, AFM
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POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill reopens the provision allowing registered electrical/alarm contractors to become certified electrical/alarm contractors.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Section 489.514, F.S., allowed registered (locally licensed) electrical/alarm contractors to become certified (state licensed) electrical/alarm contractors after being actively licensed for a minimum of 5 years, without requiring them to take the state certification exam. This section required applications to be submitted before November 1, 2015. After November 1, 2015, this avenue of licensure commonly referred to as "grandfathering," was no longer available.

2. EFFECT OF THE BILL:

The bill amends s. 489.514, F.S., to reopen the provision for certification of registered contractors (grandfathering), and allow applications to be submitted until November 1, 2021.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☒ N ☐

If yes, explain:	The board will need to set an application fee, and the Department will need to adopt a form for the application.
Is the change consistent with the agency's core mission?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	Rule 61G6-8.001, F.A.C. – Fees and Rule 61-35.012, F.A.C. - Forms

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y ☐ N ☒

If yes, provide a description:	N/A
Date Due:	N/A
Bill Section Number(s):	N/A

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y ☐ N ☒

Board:	N/A
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Board Purpose:	N/A
Who Appoints:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?

Y ☒ N ☐

Revenues:	Reduction in local registered licensees paying renewal and reciprocity fees.
Expenditures:	None
Does the legislation increase local taxes or fees? If yes, explain.	None
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?	None

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?

Y ☒ N ☐

Revenues:	Indeterminate, \$360,800 maximum potential grandfathering fee revenue (see Fiscal Comment).
Expenditures:	None
Does the legislation contain a State Government appropriation?	None
If yes, was this appropriated last year?	N/A

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?

Y ☒ N ☐

Revenues:	N/A
Expenditures:	The grandfathering application fee will be an expenditure, however there will be reduced costs to individual licensees that no longer have to maintain registrations in multiple jurisdictions.
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Y ☐ N ☒

If yes, explain impact.	N/A
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Bill Section Number:	N/A
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TECHNOLOGY IMPACT

1. DOES THE BILL 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.	N/A
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FEDERAL IMPACT

1. DOES THE BILL 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.	N/A
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ADDITIONAL COMMENTS

Division of Service Operations: The impact to the division will be minimal and the additional workload can be accommodated with existing resources.

Fiscal Comment: Revenue from a grandfathering fee is indeterminate because it is unknown how many eligible registered Electrical Contractors' Licensing Board (ECLB) licensees will apply for grandfathering. The grandfathering fee will need to be set by the ECLB if the bill is signed into law. The fee during previous grandfathering periods has been \$200.

There are 1,501 Registered Current/Active ECLB licensees with 5+ years of experience who may be able to take advantage of the grandfathering provision. The maximum grandfathering fees could be as much as \$300,200, if all of these eligible licensees apply with a \$200 fee.

There are also some inactive licensees that may qualify if they were active long enough. There are 303 Registered Current/Inactive licensees with 5+ years of experience who may be able to take advantage of the grandfathering provision. The maximum grandfathering fees could be as much as \$60,600, if all of these eligible licensees apply with a \$200 fee.

The total maximum grandfathering fees: \$360,800.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	No additional comments.
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COMMITTEE: Innovation, Industry, and Technology
ITEM: SB 604
FINAL ACTION: Favorable
MEETING DATE: Tuesday, March 19, 2019
TIME: 4:00—6:00 p.m.
PLACE: 110 Senate Building

FINAL VOTE			3/19/2019 ¹ Motion to vote "YEA" after Roll Call					
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Bracy						
X		Bradley						
		Brandes						
X		Braynon						
VA		Farmer						
X		Gibson						
X		Hutson						
X		Passidomo						
X		Benacquisto, VICE CHAIR						
X		Simpson, CHAIR						
9	0	TOTALS	FAV	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

By Senator Pizzo

38-01556-19

2019604__

1 A bill to be entitled
2 An act relating to registered contractor licensing;
3 amending s. 489.514, F.S.; extending the date by which
4 an applicant must make application for a license to be
5 grandfathered; providing an effective date.

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

8
9 Section 1. Section 489.514, Florida Statutes, is amended to
10 read:

11 489.514 Certification for registered contractors;
12 grandfathering provisions.—

13 (1) The board shall, upon receipt of a completed
14 application, appropriate fee, and proof of compliance with the
15 provisions of this section, issue:

16 (a) To an applying registered electrical contractor, a
17 certificate as an electrical contractor, as defined in s.
18 489.505(12);

19 (b) To an applying registered alarm system contractor, a
20 certificate in the matching alarm system contractor category, as
21 defined in s. 489.505(2)(a) or (b); or

22 (c) To an applying registered electrical specialty
23 contractor, a certificate in the matching electrical specialty
24 contractor category, as defined in s. 489.505(19).

25 (2) Any contractor registered under this part who makes
26 application under this section to the board shall meet each of
27 the following requirements for certification:

28 (a) Currently holds a valid registered local license in the
29 category of electrical contractor, alarm system contractor, or

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2019604__

electrical specialty contractor.

(b) Has, for that category, passed a written, proctored examination that the board finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, NAI/Block, Experior Assessments, Professional Testing, Inc., or Assessment Systems, Inc., shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. The board may not impose or make any requirements regarding the nature or content of these cited examinations.

(c) Has at least 5 years of experience as a contractor in that contracting category, or as an inspector or building administrator with oversight over that category, at the time of application. For contractors, only time periods in which the contractor license is active and the contractor is not on probation shall count toward the 5 years required under this subsection.

(d) Has not had his or her contractor's license revoked at any time, had his or her contractor's license suspended in the last 5 years, or been assessed a fine in excess of \$500 in the last 5 years.

(e) Is in compliance with the insurance and financial responsibility requirements in s. 489.515(1)(b).

(3) An applicant must make application by November 1, 2021 ~~2015~~, to be licensed pursuant to this section.

Section 2. This act shall take effect July 1, 2019.

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 Innovation, Industry, and Technology

BILL: SB 1152

INTRODUCER: Senator Pizzo

SUBJECT: Community Association Safety Systems

DATE: March 19, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	IT	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 1152 revises the requirements applicable to a condominium or cooperative association building for retrofitting the building with fire sprinklers or other engineered life safety equipment to comply with the Florida Fire Prevention Code. The bill includes vacation rentals within the requirements applicable to a residential condominium or cooperative association.

The bill exempts a building that is less than 75 feet in height from the retrofitting requirements. An association with a building that is less than 75 feet in height is not required to hold an affirmative vote to forego a requirement to retrofit the building with retrofitting a building with fire sprinklers or other engineered life safety equipment.

Under the bill, an association building that is 75 feet or greater in height (high-rise building) must comply with the retrofitting requirements or affirmatively vote by a majority vote to forego the retrofitting requirement.

The bill extends several deadlines for compliance with the requirements to comply with a fire sprinkler or other life safety requirements, including extending the date by which the local authority having jurisdiction may require compliance from January 1, 2020 to January 1, 2022.

The bill requires the certificate evidencing compliance with the retrofitting requirements be made by a licensed professional engineer instead of by a licensed electrical contractor or electrician.

The bill provides an effective date of July 1, 2019.

II. Present Situation:

Condominium and Cooperative Associations

Condominiums

A condominium is a “form of ownership of real property created pursuant to [chapter 718, F.S.,] which is comprised entirely of units that may be owned by one or more persons, and in which there is, [as part of the ownership of] each unit, an undivided share in common [portion of the condominium property].”¹ A condominium is created by recording a declaration of condominium in the public records of the county where the condominium is located.² The declaration must include the condominium’s bylaws, and the declaration functions as the condominium’s “constitution,” subject to applicable laws.³ A condominium is administered by a board of directors referred to as a “board of administration.”⁴

Cooperatives

A cooperative is similar to a condominium in many ways. However, a key distinction between the two is the sense in which a person may “own” a unit in a condominium or a cooperative. In a cooperative, a “unit owner” owns a share in the cooperative association, and he or she leases, instead of owns, a unit.⁵ The cooperative association is the corporation or other legal entity that owns the record interest or leasehold of the cooperative’s property.⁶ The cooperative association may assess costs for the maintenance of common elements.⁷

Fire Prevention in Condominium and Cooperative Buildings

Retrofitting Requirement

Retrofitting a condominium or cooperative building with a fire sprinkler system is not required if an association votes to forego it, even if other provisions of law or rules may otherwise require retrofitting condominium or cooperative buildings with a fire sprinkler system.⁸ Current law does not authorize a condominium or cooperative association to vote to forego a required retrofit of a building with an engineered life safety system (ELSS).⁹

If an association has previously voted to forego this retrofitting, the matter may be brought up for a vote to undo the prior decision as often as once every three years.¹⁰

¹ Section 718.103(11), F.S.

² Section 718.104(2), F.S.

³ *Neuman v. Grandview at Emerald Hills*, 861 So. 2d 494, 496-97 (Fla. 4th DCA 2003) (internal citations omitted).

⁴ Section 718.103(4), F.S.

⁵ See s. 719.103(26), F.S.

⁶ Section 719.103(12), F.S.

⁷ See ss. 719.106(1)(g) and 719.107, F.S.

⁸ Sections 718.112(2)(l) and 719.1055(5)(a)1., F.S.

⁹ An ELSS consists of a combination of partial automatic sprinkler protection, smoke detection alarms, smoke control, or compartmentation or other approved systems or both. See ss. 31.3.5.11.4 and 31.3.5.11.1, Florida Fire Prevention Code, 5th Edition, 2012.

¹⁰ Sections 718.112(2)(l)2. and 719.1055(5)(b), F.S.

A condominium or cooperative association that was not in compliance with the requirements regarding a fire sprinkler system and had not voted to forego these requirements had until December 31, 2016, to apply for a building permit to undergo retrofitting. This application was required to demonstrate the association would become compliant before January 1, 2020.¹¹

Condominiums and cooperatives must receive a certificate of compliance with the retrofitting requirement from a licensed electrical contractor or electrician as evidence of compliance with the applicable fire and life safety code.¹²

Florida Fire Prevention Code

The Chief Financial Officer, acting in his capacity as the State Fire Marshal, adopts by rule the Florida Fire Prevention Code (FFPC),¹³ which contains all fire safety rules for to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such fire safety rules.¹⁴

The State Fire Marshal adopts a new edition of the FFPC every three years.¹⁵ The most recent Fire Code is the 6th edition, which is referred to as the 2017 Florida Fire Prevention Code. When adopting the Fire Code, the Fire Marshal is required to adopt the most current version of the national fire and life safety standards set forth by the National Fire Protection Association (NFPA) including the:

- NFPA's Fire Code 1;
- Life Safety Code 101; and
- Guide on Alternative Approaches to Life Safety 101A.¹⁶

The State Fire Marshal may modify the national fire safety and life safety standards as needed to accommodate the specific needs of the state. The State Marshal has authority to interpret the Code, and is the only authority that may issue a declaratory statement relating to the Fire Code.¹⁷

Section 553.895(2), F.S., provides in pertinent part that:

[A]ny building which is of three stories or more and for which the construction contract is let after January 1, 1994, regardless of occupancy classification and including any building which is subject to s. 509.215, [F.S.,] shall be equipped with an automatic sprinkler system installed in compliance with the provisions of chapter 633 and the rules and codes adopted pursuant thereto.

¹¹ Sections 718.112(2)(l) and 719.1055(5)(a)1., F.S.

¹² *Id.*

¹³ See ch. 633, F.S., and the Florida Fire Prevention Code, A copy of the Florida Fire Prevention Code is available at: <https://www.myfloridacfo.com/Division/SFM/BFP/FloridaFirePreventionCodePage.htm> (last visited Mar. 7, 2019).

¹⁴ Fla. Admin. Rule ch. 69A-60 (2018).

¹⁵ Section 633.202(4), F.S.

¹⁶ Section 633.202, F.S.; Founded in 1896, the National Fire Protection Association delivers information and knowledge through more than 300 consensus codes and standards, research, training, education, outreach and advocacy; and by partnering with others who share an interest in furthering the mission. NFPA, *About NFPA*, <http://www.nfpa.org/about-nfpa> (last visited on March 12, 2019).

¹⁷ Sections 633.104(6) and 633.202, F.S.

Each municipality, county, and special district with firesafety responsibilities must enforce the Florida Fire Prevention Code as the minimum firesafety code.¹⁸ However, the local authorities may adopt more stringent firesafety standards, and may establish alternative requirements to those standards on a case-by-case basis, in order to meet special situations arising from historic, geographic, or unusual conditions, if the alternative requirements result in a level of protection to life, safety, or property equal to or greater than the applicable minimum firesafety standards.¹⁹

Fire Sprinklers and Engineered Life Safety Systems

The Fire Code requires existing multi-family buildings 75 feet or taller (approximately seven stories), including condominiums and cooperatives, to be retrofitted with fire sprinkler systems.²⁰ All condominiums and cooperatives built since 1994 that are three stories or more have sprinkler systems and thus are in compliance.²¹

The Fire Code allows a building to have an Engineered Lifesafety System (ELSS) as an alternative to a sprinkler system. The Fire Code defines an ELSS as a system that consists of a combination of:

- Partial automatic sprinkler protection;
- Smoke detection alarms;
- Smoke control; and
- Compartmentation or other approved systems.²²

The Fire Code also does not require existing multi-family buildings 75 feet or taller to retrofit if every dwelling unit in the building has an exterior exit access.²³ An automatic sprinkler system is not required if the building has an approved engineered life safety system.²⁴

For condominium and cooperative associations that complete retrofitting, a certificate of compliance from a licensed electrical contractor or electrician may be accepted as evidence of compliance of the units with the Fire Code. Under the Fire Prevention Code, an engineered life safety system must be developed by a registered professional engineer experienced in fire and life safety system design.²⁵

Legislative History

In 2003, the Legislature amended the requirement to retrofit a residential condominium or cooperative building by providing that:

- Unit owners in residential condominium and cooperative associations may vote to forego retrofitting a building with a fire sprinkler system or an ELSS. A vote to forego retrofitting required a two-thirds vote of all voting interests in the affected association.

¹⁸ Section 633.208(2), F.S.

¹⁹ Section 633.208(3), F.S.

²⁰ Section 13.3.2.26 of the 6th edition of the Florida Fire Prevention Code (NFPA 1, Fire Code).

²¹ Section 553.895(2), F.S.

²² 101:31.3.5.12.3 & 101: 31.3.5.12.4 of the 6th edition of the Florida Fire Prevention Code 6th edition (NFPA 101, Life Safety Code).

²³ 101:31.3.5.12.2 of the 6th edition of the Florida Fire Prevention Code 6th edition (NFPA 101, Life Safety Code).

²⁴ 101:31.3.5.12.3 of the 6th edition of the Florida Fire Prevention Code 6th edition (NFPA 101, Life Safety Code).

²⁵ 101:31.3.5.12.4 of the 6th edition of the Florida Fire Prevention Code 6th edition (NFPA 101, Life Safety Code).

- Local governments may not require an association to retrofit before the end of 2014.
- Associations could not vote to forego retrofitting a sprinkler system in any “common area” of a “high rise” building.
 - The common area of a high-rise building includes any enclosed hallway, corridor, lobby, stairwell, or entryway.
 - A high-rise building is defined as a building greater than 75 feet in height. The building height is measured from the lowest level of fire department access to the floor of the highest occupiable story.²⁶

In 2006, Governor Bush vetoed House Bill 391 of the 2006 legislative session, which included a provision that extended the start date that local governments could require associations to retrofit from 2014 to 2025.

In 2009, Governor Crist vetoed Senate Bill 714 of the 2009 legislative session, which included a provision that extended the start date that local governments could require associations to retrofit from 2014 to 2025. Governor Crist, also directed DBPR to initiate a review of the costs to retrofit and the impacts retrofitting may have on insurance premiums.²⁷

In October 2009, DBPR completed their report. DBPR’s report estimated that retrofitting a condominium with sprinklers would cost from \$595 to \$8,633 per unit. The costs vary depending on a number of factors such as the extent of sprinkler coverage in the building, the age of the building, the size and number of the units, and type of construction.²⁸ However, the cost to retrofit a building can range from \$5,000 per unit to in excess of \$20,000 per unit.²⁹ According to DBPR, they received 19 certificates from associations stating they completed retrofitting since 2004. Five of those certificates included the cost to complete retrofitting, which ranged from \$908 per unit to \$3,291 per unit with an average of \$2,196 per unit.

The DBPR’s report also stated that an association could expect to receive a 5 percent discount on the “all other perils” portion of their property and casualty insurance policy. The DBPR stated that “many associations have foregone retrofits because they are cash strapped in the current economy. With many units sitting empty or in foreclosure and not paying assessments, some condominiums are scraping by just paying their normal expenses.”³⁰

In 2010, the Legislature amended the law regarding retrofitting by:

- Providing that unit owners may vote to forego retrofitting a sprinkler system in common areas of a high-rise building.
- Reducing the voting requirement to forego retrofitting a sprinkler system from a two-thirds vote to a majority vote.

²⁶ Sections 718.112(2)(l) and 719.1055(5) (2003), F.S.

²⁷ Letter from Charlie Crist, Governor of the state of Fla., to Kurt S. Browning, Sec’y of State (June 1, 2009), available at: <http://www.ccfj.net/PB09S714VETO.pdf> (last visited March 20, 2019).

²⁸ Department of Business & Professional Regulation, Condominium Sprinkler Retrofit Report, October 2009, available at: <http://www.myfloridalicense.com/dbpr/lsc/documents/CondominiumSprinklerRetrofitReportOctober2009.pdf>.

²⁹ Testimony from Representative Michael Grieco, *3/6/2019 Meeting of the House Business & Professions Subcommittee*, <https://thefloridachannel.org/videos/3-6-19-house-business-and-professions-subcommittee/> (last visited March 19, 2019).

³⁰ Department of Business & Professional Regulation, *supra* note 28.

- Removing the ability of residential condominium or cooperative associations to vote to forego retrofitting an ELSS.
- Prohibiting local governments from requiring retrofitting before January 1, 2020.³¹

In 2017, the Governor vetoed House Bill 653 of the 2017 legislative session, which included similar language to this bill, including the following:

- Provided that in addition to being able to forego retrofitting a building with a fire sprinkler system, associations may also vote to forego retrofitting a building with an ELSS.
- Provided that a vote to forego retrofitting required a two-thirds vote of all voting interests.
- Provided that all condominium or cooperative associations that operate buildings that are greater than 75 feet in height may vote to waive retrofitting requirements.
- Extended the time that local governments may not require associations to retrofit.
- Extended the time an association has to apply for a building permit, if it has not completed retrofitting or voted to forego retrofitting.
- Required a board that operates a building that has not installed a sprinkler system in the common areas to post a sign on the outside of the building to warn persons conducting fire control and other emergency operations that there is not a sprinkler system in the building.
- Required the State Fire Marshal to adopt rules regarding the size and color of the sign, the time period within which a sign must be posted, and the location of the sign. However, the rules may not require an association to post a sign that diminishes the aesthetic value of a building.

Governor Scott stated his reasons for vetoing the bill:

Fire sprinklers and enhanced life safety systems are particularly effective in improving the safety of occupants in high-rise buildings and ensure the greatest protection to the emergency responders who bravely conduct firefighting and rescue operations. While I am particularly sensitive to regulations that increase the cost of living, the recent London high-rise fire, which tragically took at least 79 lives, illustrates the importance of life safety protections.³²

III. Effect of Proposed Changes:

The bill amends ss. 718.112(2)(l) and 719.1055(5)(a)1., F.S., relating to condominium and cooperative associations, respectively, to revise the requirements for retrofitting buildings with fire sprinklers or other engineered life safety equipment. The bill includes vacation rentals, as described in s. 509.242(1)(c), F.S.,³³ within the life safety requirements applicable to a residential condominium or cooperative association.

The bill:

³¹ Sections 718.112(2)(l), and 719.1055(5), F.S.

³² Letter from Rick Scott, Governor of the State of Fla., to Ken Detzner, Sec'y of State (June 26, 2017), <https://www.flgov.com/wp-content/uploads/2017/06/HB-653-Veto-Letter.pdf> (last visited March 19, 2019).

³³ Section 509.242(1)(c), F.S., defines a vacation rental to mean: “any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.”

- Requires the certificate evidencing compliance with the retrofitting requirements be made by a licensed professional engineer instead of by a licensed electrical contractor or electrician.
- Includes other engineered life safety systems within the retrofitting options.
- Exempts a building that is less than 75 feet in height from the retrofitting requirements for a fire sprinkler system or other engineered life safety system without first requiring an opt-out vote.
- Provides that a building 75 feet or greater in height (high-rise building) must comply with the retrofitting requirement or affirmatively vote by a majority vote to forego from the retrofitting requirement.
- Requires the height of a building to be determined by measuring the distance from the lowest level of fire department vehicle access to the floor of the highest occupiable story.
- Extends the following operative deadlines for condominium and cooperative associations with a high-rise building that is not compliant with fire sprinkler or other life safety requirements:
 - From January 1, 2020 to January 1, 2022, the date by which the local authority having jurisdiction may require compliance;
 - From December 31, 2016 to December 31, 2019, the date by which the association must affirmatively vote (by a majority vote of all voting interests) to forego retrofitting;
 - From December 31, 2016 to December 31, 2019, the date by which the association that has not voted to forego the retrofitting requirement must initiate an application for a building permit with the local government which demonstrates that the association will become compliant; and
 - From December 31 to December 31, 2021, the date by which the association must become compliant.
- Permits an association to use electronic voting in a vote to forego the retrofitting requirement.
- If there has been a previous vote to forego retrofitting, permits the board, by a majority affirmative vote, to call a unit owner meeting for the purpose of holding a subsequent vote to forego retrofitting. Current law requires a petition of 10 percent of unit owners to call a unit owner meeting for the purpose of a subsequent to vote for retrofitting.
- Provides that failure to report a membership vote or the recording of a certificate does not invalidate an otherwise valid opt-out vote.

The bill provides an effective date of July 1, 2019.

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:

Condominium and cooperative associations may be able to avoid the costs of retrofitting a building with a fire-sprinkler system or other life safety system. In a report published in 2009, the Department of Business and Professional Regulation presented the estimated per-unit cost of retrofitting a sample of condominium buildings from Clearwater to the Keys. The per-unit cost varied widely, from \$595 to \$8,633. The factors said to account for this variation included the extent of sprinkler coverage in the building, the age of the building, the size and number of the units, and the type of construction.³⁴

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill amends ss. 718.112(2)(l) and 719.1055(5)(a)1., F.S., relating to condominium and cooperative associations, respectively, to require the certificate evidencing compliance with applicable fire and life safety requirements be made by a licensed professional engineer instead of by a licensed electrical contractor or electrician. It is not clear whether an association needs to obtain a new certificate of compliance from a licensed professional engineer if it has previously obtained one from a licensed electrical contractor or electrician.

³⁴ Department of Business and Professional Regulation, *Condominium Sprinkler Retrofit Report, A Review of Retrofit Costs and the Impact of Retrofitting on Insurance Premiums*, October 2009, available at: <http://www.myfloridalicense.com/dbpr/lsc/documents/CondominiumSprinklerRetrofitReportOctober2009.pdf> (last visited Mar. 10, 2019).

CS/SB 908 by Banking and Insurance Committee and Senator Hooper extends the deadlines for the following actions necessary for existing high-rise residential condominiums to comply with the Florida Fire Prevention Code requirements for fire sprinkler and engineered life safety systems:

- A final fire sprinkler permit application and supporting documents must be submitted to the authority having jurisdiction by July 1, 2020;
- All necessary permits must be obtained by July 1, 2021; and
- Final inspection must be passed by December 31, 2022.

Under CS/SB 908, a residential condominium association that fails to timely comply is subject to a daily fine of \$500. The bill removes the option for a condominium associations to vote to opt out of fire safety requirements.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 718.112 and 719.1055.

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.



The Florida Senate

Committee Agenda Request

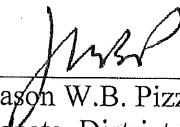
To: Senator Wilton Simpson, Chair
Committee on Innovation, Industry, and Technology

Subject: Committee Agenda Request

Date: February 28, 2019

I respectfully request that **Senate Bill #1152**, relating to Community Association Safety Systems, be placed on the:

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



Senator Jason W.B. Pizzo
Florida Senate, District 38

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/19/19

Meeting Date

SB 1152

Bill Number (if applicable)

Topic LIFE SAFETY

Amendment Barcode (if applicable)

Name KEVIN RHODEN

Job Title V.P. OF SALES

Address P.O. BOX 932

Phone 407-466-4615

Street

MINNEOLA

FL

34755

City

State

Zip

Email KEVINR@WAYNEFIRE.COM

Speaking: ☐ For ☒ Against ☐ Information

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

Representing WAYNE AUTOMATIC FIRE SPRINKLERS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-19-19

Meeting Date

1152

Bill Number (if applicable)

Topic Against Bill

Amendment Barcode (if applicable)

Name Tim Meenan

Job Title _____

Address 300 S. Duval St.

Street

Tallahassee

City

FL

State

Zip

Phone (850) 425-4000

Email tim@meenanlaw.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FFSA (Florida Fire Sprinkler Association)

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-14-19

Meeting Date

1152

Bill Number (if applicable)

Topic Community Association Safety Systems

Amendment Barcode (if applicable)

Name Jim Millican

Job Title Division Chief

Address 4360-55th Ave N

Phone 727-526-5650

Street

St. Petersburg

FL

33714

City

State

Zip

Email millican@jccmenfire.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Fire Chiefs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/19/19

Meeting Date

1152

Bill Number (if applicable)

Topic FONDO ASSOC. SAFETY SYSTEMS

Amendment Barcode (if applicable)

Name JOHN PASQUALONE

Job Title EXECUTIVE DIRECTOR

Address PO BOX 385

Phone _____

Street

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FL FIRE MARSHALS & INSPECTORS ASSOC.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/19/19

Meeting Date

1152

Bill Number (if applicable)

Topic ELSS

Amendment Barcode (if applicable)

Name PIO IERACT

Job Title PRESIDENT - FACTSS, GMCA, GOC

Address 2455 E. SUNRISE BLVD #504
Street
Ft LAUDERDALE, FL 33304
City State Zip

Phone 954-347-5500

Email PIOR@BELLSOUTH.NET

Speaking: ☒ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-19-19
Meeting Date

1152
Bill Number (if applicable)

Topic ELSS

Amendment Barcode (if applicable)

Name JAMES VAN DRUNEN

Job Title FORMER FIRE CHIEF

Address 2100 S. OCEAN LANE #1404

Phone 954-290-6901

Street

FORT LAUDERDALE FL 33316

City

State

Zip

Email frostfree2@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FACTSS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

March 19th 2019
Meeting Date

SB 1152
Bill Number (if applicable)

Topic Community Association Safety Systems

Amendment Barcode (if applicable)

Name Richard Turner

Job Title Senior V.P. Florida Restaurant & Lodging Assn.

Address 230 S. Adams

Phone 850 224-2250

Street

Tallahassee

FL

32301

City

State

Zip

Email RTurner@FRLA.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Restaurant & Lodging Assn.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Innovation, Industry, and Technology
ITEM: SB 1152
FINAL ACTION: Favorable
MEETING DATE: Tuesday, March 19, 2019
TIME: 4:00—6:00 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

By Senator Pizzo

38-00914-19

20191152__

1 A bill to be entitled
2 An act relating to community association safety
3 systems; amending ss. 718.112 and 719.1055, F.S.;
4 providing that a certificate of compliance from a
5 licensed professional engineer may be accepted as
6 evidence of compliance with certain codes; deleting a
7 provision authorizing the acceptance of a certificate
8 of compliance from a licensed electrical contractor or
9 an electrician as evidence of compliance with certain
10 codes; revising the requirements for retrofitting
11 units, association property, and common elements;
12 revising provisions relating to an association vote to
13 forego retrofitting; providing that a failure to
14 provide timely notice to unit owners does not
15 invalidate certain votes under certain circumstances;
16 providing that the failure to report a membership vote
17 or the recording of a certification to the Division of
18 Corporations of the Department of Business and
19 Professional Regulation does not invalidate an
20 otherwise valid opt-out vote; prohibiting the local
21 authority having jurisdiction from requiring
22 completion of a retrofitting with certain systems
23 before a specified date; requiring certain
24 associations to initiate an application for certain
25 building permits by a specified date; providing an
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

38-00914-19

20191152__

Section 1. Paragraph (1) of subsection (2) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(1) *Certificate of compliance*.—A provision that a certificate of compliance from a licensed professional engineer ~~electrical contractor or electrician~~ may be accepted by the association's board as evidence of compliance ~~of the condominium units~~ with the applicable fire and life safety code ~~must be included~~.

1. Notwithstanding chapter 633, s. 509.215, s. 553.895(1), or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, an association, ~~residential condominium,~~ or a unit owner in a building that is 75 feet or less in height is not obligated to retrofit the common elements, association property, or units of a residential condominium or a vacation rental, as described in s. 509.242(1)(c), with a fire sprinkler system or other engineered life safety system.

2. An association or a unit owner is not obligated to retrofit a building greater than 75 feet in height ~~in a building that has been certified for occupancy by the applicable governmental entity~~ if the unit owners have opted to hold a vote and have voted to forego such retrofitting by the affirmative vote of a majority of all voting interests in the affected condominium. For the purposes of subparagraph 1. and this subparagraph, the height of the building is determined by

38-00914-19

20191152__

59 measuring the distance from the lowest level of fire department
60 vehicle access to the floor of the highest occupiable story ~~The~~
61 ~~local authority having jurisdiction may not require completion~~
62 ~~of retrofitting with a fire sprinkler system before January 1,~~
63 ~~2020. By December 31, 2016, a residential condominium~~
64 ~~association that is not in compliance with the requirements for~~
65 ~~a fire sprinkler system and has not voted to forego retrofitting~~
66 ~~of such a system must initiate an application for a building~~
67 ~~permit for the required installation with the local government~~
68 ~~having jurisdiction demonstrating that the association will~~
69 ~~become compliant by December 31, 2019.~~

70 3.1. A vote to forego required retrofitting may be obtained
71 by limited proxy or by a ballot personally cast at a duly called
72 membership meeting, ~~or~~ by execution of a written consent by the
73 member, or by electronic voting, and is effective upon the
74 recording of a certificate executed by an officer or agent of
75 the association attesting to such vote in the public records of
76 the county where the condominium is located. When an opt-out
77 vote is to be conducted at a meeting, the association shall mail
78 or ~~hand~~ deliver to each unit owner written notice at least 14
79 days before the membership meeting in which the vote to forego
80 retrofitting of the required fire sprinkler system or other
81 engineered life safety system is to take place. Within 30 days
82 after the association's opt-out vote, notice of the results of
83 the opt-out vote must be mailed or ~~hand~~ delivered to all unit
84 owners. Evidence of compliance with this notice requirement must
85 be made by affidavit executed by the person providing the notice
86 and filed among the official records of the association. Failure
87 to provide timely notice to unit owners does not invalidate an

38-00914-19

20191152__

88 otherwise valid opt-out vote if notice of the results is
89 provided to the owners ~~After notice is provided to each owner, a~~
90 ~~copy must be provided by the current owner to a new owner before~~
91 ~~closing and by a unit owner to a renter before signing a lease.~~

92 4.2. ~~If there has been a previous vote to forego~~
93 ~~retrofitting, a~~ subsequent ~~vote to require retrofitting may be~~
94 conducted ~~obtained~~ ~~at a special meeting of the unit owners~~
95 ~~called by a petition of at least 10 percent of the voting~~
96 ~~interests or by a majority of the board of directors. Such a~~
97 ~~vote may only be called once every 3 years.~~ Notice shall be
98 provided as required for any regularly called meeting of the
99 unit owners, and must state the purpose of the meeting.
100 ~~Electronic transmission may not be used to provide notice of a~~
101 ~~meeting called in whole or in part for this purpose.~~

102 5.3. ~~As part of the information collected annually from~~
103 ~~condominiums, the division shall require condominium~~
104 ~~associations to report~~ any ~~the~~ ~~membership vote and recording of~~
105 ~~a certificate under this subsection and, if retrofitting has~~
106 ~~been undertaken, the per-unit cost of such work. The division~~
107 ~~shall annually report to the Division of State Fire Marshal of~~
108 ~~the Department of Financial Services the number of condominiums~~
109 ~~that have elected to forego retrofitting.~~ Failure to report a
110 membership vote or the recording of a certificate does not
111 invalidate an otherwise valid opt-out vote.

112 6.4. ~~Notwithstanding s. 553.509, a residential association~~
113 ~~may not be obligated to, and may forego the retrofitting of, any~~
114 ~~improvements required by s. 553.509(2) upon an affirmative vote~~
115 ~~of a majority of the voting interests in the affected~~
116 ~~condominium.~~

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117 7. The local authority having jurisdiction may not require
118 completion of retrofitting with a fire sprinkler system or other
119 engineered life safety system before January 1, 2022. By
120 December 31, 2019, an association that operates a residential
121 condominium that is not in compliance with the requirements for
122 a fire sprinkler system or other engineered life safety system
123 and has not voted to forego retrofitting of such a system shall
124 initiate an application for a building permit for the required
125 installation with the local government having jurisdiction which
126 demonstrates that the association will become compliant by
127 December 31, 2021.

128 Section 2. Subsection (5) of section 719.1055, Florida
129 Statutes, is amended to read:

130 719.1055 Amendment of cooperative documents; alteration and
131 acquisition of property.—

132 (5) The bylaws must include a provision whereby a
133 certificate of compliance from a licensed professional engineer
134 ~~electrical contractor or electrician~~ may be accepted by the
135 association's board as evidence of compliance ~~of the cooperative~~
136 ~~units~~ with the applicable fire and life safety code.

137 (a)1. Notwithstanding chapter 633, s. 509.215, s.
138 553.895(1), or any other code, statute, ordinance,
139 administrative rule, or regulation, or any interpretation of the
140 foregoing, an association a cooperative or a unit owner in a
141 building that is 75 feet or less in height is not obligated to
142 retrofit the common elements or units of a residential
143 cooperative or a vacation rental, as described in s.
144 509.242(1)(c), with a fire sprinkler system or other engineered
145 life safety system.

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146 2. An association or a unit owner is not obligated to
147 retrofit a building greater than 75 feet in height ~~in a building~~
148 ~~that has been certified for occupancy by the applicable~~
149 ~~governmental entity~~ if the unit owners have opted to hold a vote
150 and have voted to forego such retrofitting by the affirmative
151 vote of a majority of all voting interests in the affected
152 cooperative. For purposes of subparagraph 1. and this
153 subparagraph, the height of the building is determined by
154 measuring the distance from the lowest level of fire department
155 vehicle access to the floor of the highest occupiable story ~~The~~
156 ~~local authority having jurisdiction may not require completion~~
157 ~~of retrofitting with a fire sprinkler system before the end of~~
158 ~~2019. By December 31, 2016, a cooperative that is not in~~
159 ~~compliance with the requirements for a fire sprinkler system and~~
160 ~~has not voted to forego retrofitting of such a system must~~
161 ~~initiate an application for a building permit for the required~~
162 ~~installation with the local government having jurisdiction~~
163 ~~demonstrating that the cooperative will become compliant by~~
164 ~~December 31, 2019.~~

165 3.2. A vote to forego required retrofitting may be obtained
166 by limited proxy or by a ballot personally cast at a duly called
167 membership meeting, ~~or~~ by execution of a written consent by the
168 member, or by electronic voting, and is effective upon the
169 recording of a certificate executed by an officer or agent of
170 the association attesting to such vote in the public records of
171 the county where the cooperative is located. When the opt-out
172 vote is to be conducted at a meeting, the cooperative shall mail
173 or ~~hand~~ deliver to each unit owner written notice at least 14
174 days before the membership meeting in which the vote to forego

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175 retrofitting of the required fire sprinkler system or other
176 engineered life safety system is to take place. Within 30 days
177 after the cooperative's opt-out vote, notice of the results of
178 the opt-out vote must be mailed or ~~hand~~ delivered to all unit
179 owners. Evidence of compliance with this notice requirement must
180 be made by affidavit executed by the person providing the notice
181 and filed among the official records of the cooperative. Failure
182 to provide timely notice to unit owners does not invalidate an
183 otherwise valid opt-out vote if notice of the results is
184 provided to the owners ~~After notice is provided to each owner, a~~
185 ~~copy must be provided by the current owner to a new owner before~~
186 ~~closing and by a unit owner to a renter before signing a lease.~~

187 (b) If there has been a previous vote to forego
188 retrofitting, a subsequent vote to require retrofitting may be
189 conducted ~~obtained~~ at a special meeting of the unit owners
190 called by a petition of least 10 percent of the voting interests
191 or by a majority of the board of administration. ~~Such vote may~~
192 ~~only be called once every 3 years.~~ Notice must be provided as
193 required for any regularly called meeting of the unit owners,
194 and the notice must state the purpose of the meeting. ~~Electronic~~
195 ~~transmission may not be used to provide notice of a meeting~~
196 ~~called in whole or in part for this purpose.~~

197 (c) As part of the information collected annually from
198 cooperatives, the division shall require associations to report
199 any ~~the~~ membership vote and recording of a certificate under
200 this subsection and, if retrofitting has been undertaken, the
201 per-unit cost of such work. The division shall annually report
202 to the Division of State Fire Marshal of the Department of
203 Financial Services the number of cooperatives that have elected

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to forego retrofitting. Failure to report a membership vote or
the recording of a certificate does not invalidate an otherwise
valid opt-out vote.

(d) The local authority having jurisdiction may not require
completion of retrofitting with a fire sprinkler system or other
engineered life safety system before January 1, 2022. By
December 1, 2019, an association that is not in compliance with
the requirements for a fire sprinkler system or other engineered
life safety system and has not voted to forego retrofitting of
such a system shall initiate an application for a building
permit for the required installation with the local government
having jurisdiction which demonstrates that the association will
become compliant by December 31, 2021.

Section 3. This act shall take effect July 1, 2019.

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 Innovation, Industry, and Technology

BILL: SB 1252

INTRODUCER: Senator Gruters

SUBJECT: Public Accountancy

DATE: March 19, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	IT	Favorable
2.			BI	
3.			RC	

I. Summary:

SB 1252 adds an attestation engagement to the services that require a certified public accountant license (CPA) for a person to perform or offer to perform. An attestation engagement is an arrangement with a client where an independent third party CPA investigates and reports on subject matter created by a client. Examples of attestation engagements include reporting on financial information formulated by a client, and reporting on how well the client's internal controls process functions. An attestation engagement gives users a higher level of confidence regarding the subject of the engagement.

The bill decreases the percentage of the required total hours of CPA continuing education that must relate to accounting-related and auditing-related subjects from 25 percent to 10 percent.

The bill also eliminates the process and the separate continuing education requirements for reactivation of a license that was inactive or delinquent on June 30, 2014. Under the bill, all inactive licensees must satisfy the same minimum continuing education requirements.

The effective date of the bill is July 1, 2019.

II. Present Situation:

The Florida Board of Accounting (board) in the Department of Business and Professional Regulation (DBPR) is the agency responsible for regulating and licensing more than 35,000 active and inactive CPAs and more than 5,400 accounting firms in Florida.¹ The Division of Certified Public Accounting provides administrative support to the nine-member board, which consists of seven CPAs and two laypersons.²

¹ Florida Department of Business and Professional Regulation, Fiscal Year 2017-2018 Annual Report, page 14, available at <http://www.myfloridalicense.com/DBPR/os/documents/ProfessionsAnnualReport2017-2018.pdf> (last visited Mar. 1, 2019).

² Section 473.303, F.S.

A certified public accountant is a person who holds a license to practice public accounting in this state under ch. 473, F.S., or an individual who is practicing public accounting in this state pursuant to the practice privilege granted in s. 473.3141, F.S.³

The practice of public accounting includes offering to the public the performance of services involving audits, reviews, compilations, tax preparation, management advisory or consulting services, or preparation of financial statements.⁴ To engage in the practice of public accounting, as defined in s. 473.302(8)(a), F.S., an individual or firm must be licensed pursuant to ss. 473.308 or 473.3101, F.S., and business entities must meet the requirements of s. 473.309, F.S.

Definitions

Section 473.302(8), F.S., define the terms “practice of,” “practicing public accountancy,” or “public accounting” to mean:

- (a) Offering to perform or performing for the public one or more types of services involving the expression of an opinion on financial statements, the attestation as an expert in accountancy to the reliability or fairness of presentation of financial information, the utilization of any form of opinion or financial statements that provide a level of assurance, the utilization of any form of disclaimer of opinion which conveys an assurance of reliability as to matters not specifically disclaimed, or the expression of an opinion on the reliability of an assertion by one party for the use by a third party;
- (b) Offering to perform or performing for the public one or more types of services involving the use of accounting skills, or one or more types of tax, management advisory, or consulting services, by any person who is a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141, [F.S.,] including the performance of such services by a certified public accountant in the employ of a person or firm; or
- (c) Offering to perform or performing for the public one or more types of service involving the preparation of financial statements not included within paragraph (a), by a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141[, F.S.]; by a firm of certified public accountants; or by a firm in which a certified public accountant has an ownership interest, including the performance of such services in the employ of another person. The board shall adopt rules establishing standards of practice for such reports and financial statements; provided, however, that nothing in this paragraph

³ See s. 473.302(4), F.S. Section 473.3141, F.S., permits a person who does not have an office in Florida to practice public accountancy in this state without obtaining a license under ch. 473, F.S., notifying or registering with the board, or paying a fee if the person meets the required criteria.

⁴ Section 473.302(8), F.S.

shall be construed to permit the board to adopt rules that have the result of prohibiting Florida certified public accountants employed by unlicensed firms from preparing financial statements as authorized by this paragraph.

(Emphasis added.)

A “client” is any person, public officer, corporation, association, or other organization or entity, either public or private, who agrees with an accountant or accountant’s employer to receive professional services.⁵

Continuing Education

Certified public accountants, as part of the license renewal procedure, are required to submit proof satisfactory to the board that, during the two years prior to their application for renewal, they have successfully completed not less than 48 or more than 80 hours of continuing professional education programs in public accounting subjects approved by the board.⁶ The board has the authority to prescribe by rule additional continuing professional education hours, not to exceed 25 percent of the total hours required, for failure to complete the hours required for renewal by the end of the reestablishment period.⁷

At least 25 percent of the total hours required by the board must be in accounting-related and auditing-related subjects, as distinguished from federal and local taxation matters and management services.⁸ Five percent of the total hours required by the board must be in ethics applicable to the practice of public accounting.⁹

Inactive Licenses

Section 473.313(1), F.S., permits Florida-licensed CPAs to request that their license be placed on inactive status. Section 473.313(2), F.S., authorizes the board to adopt rules establishing the minimum requirements for placing a license on inactive status, renewing an inactive license, and reactivating the inactive license.¹⁰

Section 473.313(2), F.S., provides that a CPA who holds an inactive license due to failure to complete the continuing education requirements in s. 473.312, F.S., may be reactivated under s. 473.311, F.S.,¹¹ upon application to the department. The minimum continuing education requirements are those required by board rule, the required hours for the most recent biennium reporting period, and one-half of the requirements under s. 473.312, F.S.¹²

⁵ See s. 473.316(1)(b), F.S.

⁶ Section 473.312(1)(a), F.S.

⁷ *Id.*

⁸ Section 473.312(1)(b), F.S.

⁹ Section 473.312(1)(c), F.S.

¹⁰ See Fla. Admin R. 61H1-33.006.

¹¹ Section 473.311, F.S., provides for the renewal of licenses upon the satisfaction of continuing education requirements.

¹² Section 473.312(1), F.S., requires that at least 48, but not more than 80 hours, of continuing education must be completed within 2 years prior to the application for renewal.

A different continuing education requirement applies to a license that was inactive on June 30, 2014. To reactivate a license that was inactive on June 30, 2014, an applicant must have completed 120 hours of continuing education, including at least 30 hours in accounting-related and auditing-related subjects, not more than 30 hours in behavioral subjects, and a minimum of 8 hours in ethics subjects approved by the board. To reactivate, the applicant must also have notified the board by December 31, 2014, of his or her intention to reactivate such a license and have completed such reactivation by June 30, 2016.¹³

During the 2014 Regular Session, the Legislature extended the deadlines in the process for reactivation of licenses that had become inactive due to failure to complete the continuing education requirements. The deadlines or relevant dates were extended from:

- June 30, 2012 to June 30, 2014, the date by which a person must have been inactive or delinquent for failure to complete the continuing education requirement; and
- June 30, 2014 to June 30, 2016, the deadline to complete the reactivation of the license.¹⁴

Section 473.313(3), F.S., permits a license that has become inactive due to failure to meet the continuing education requirements to be renewed upon the licensee applying to the department with payment of a the required fee.¹⁵ The applicant must submit proof of satisfactorily completing the continuing education requirements. The applicant must also submit the completed application to the board by March 15 immediately following the inactive period.

Attestation Engagements

An attestation engagement is an arrangement with a client where an independent third party investigates and reports on subject matter created by a client. Examples of attestation engagements include reporting on financial information formulated by a client, and reporting on how well the client's internal controls process functions. An attestation engagement gives users a higher level of confidence regarding the subject of the engagement.¹⁶

The Auditing Standards Board (ASB) is the senior technical committee designated by the American Institute of Certified Public Accountants (AICPA) to issue auditing, attestation, and quality control standards applicable to the performance and issuance of audit and attestation reports.¹⁷ The ASB has issued a Statement on Standards for Attestation Engagements to be followed by a CPA performing an attestation engagement.¹⁸

¹³ Section 473.312(2), F.S.

¹⁴ See ch. 2014-88, s. 2, Laws of Fla.

¹⁵ Section 473.305, F.S., authorizes the board to establish, by rule, a reactivation fee, and a delinquency fee not to exceed \$50 for continuing professional education reporting forms. This section also provides that the board must "establish fees which are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of public accountants." The fees established by the board must be based on department estimates of the revenue required to implement ch. 473, F.S., and the provisions of law with respect to the regulation of certified public accountants.

¹⁶ See Accounting Tools, *Attestation Engagement*, Nov. 11, 2018, available at: <https://www.accountingtools.com/articles/2017/5/7/attestation-engagement> (last visited Mar. 13, 2019)

¹⁷ See Auditing Standards Board, at: <https://www.aicpa.org/research/standards/auditattest/asb.html> (last visited: Mar. 4, 2019).

¹⁸ See Clarified Statements on Standards for Attestation Engagements at: <https://www.aicpa.org/research/standards/auditattest/ssae.html> (last visited: Mar. 4, 2019).

III. Effect of Proposed Changes:

Section 1 creates s. 473.302(8)(d), F.S., to add an attestation engagement within the types of services that require a CPA license for a person to perform or offer to perform.

The bill amends s. 473.322(1)(c), F.S., which prohibits offering or performing specified services without a CPA license, to incorporate the offering or performance of an attestation engagement as provided by the bill.

Section 2 amends s. 473.312(2), F.S., to decrease the percentage of the required total hours of CPA continuing education that must relate to accounting-related and auditing-related subjects from 25 percent to 10 percent.

Section 3 amends s. 473.313(2), F.S., to eliminate the process and separate continuing education requirements for reactivation of a license that was inactive or delinquent on June 30, 2014. Under the bill, all inactive licensees must satisfy the same minimum continuing education requirements.

Section 4 provides an effective date of July 1, 2019.

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 the following sections of the Florida Statutes: 473.302, 473.312, 473.313, and 473.322.

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.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Commerce and Tourism, *Chair*
Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Criminal
and Civil Justice
Banking and Insurance

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR JOE GRUTERS

23rd District

March 11, 2019

The Honorable Wilton Simpson, Chair
Innovation, Industry, and Technology Committee
525 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simpson:

I am writing to request that Senate Bill 1252, Public Accountability, be placed on the agenda of the next Innovation, Industry, and Technology Committee meeting.

Should you have any questions regarding this bill, please do not hesitate to reach out to me.
Thank you for your time and consideration.

Warm regards,

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

Joe Gruters

cc: Booter Imhof, Staff Director
Lynn Koon, Committee Administrative Assistant

REPLY TO:

- ☐ 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- ☐ 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-19-14

Meeting Date

1252

Bill Number (if applicable)

Topic Public Accountancy

Amendment Barcode (if applicable)

Name Justin Thomas

Job Title Director of Governmental Affairs

Address 119 S. Monroe, Suite 121

Phone 850-528-2209

Street

Tallahassee FL 32303

City

State

Zip

Email Justin@fcpa.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Institute of CPAs

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

COMMITTEE:	Innovation, Industry, and Technology
ITEM:	SB 1252
FINAL ACTION:	Favorable
MEETING DATE:	Tuesday, March 19, 2019
TIME:	4:00—6:00 p.m.
PLACE:	110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

By Senator Gruters

23-02045A-19

20191252__

A bill to be entitled
An act relating to public accountancy; amending s.
473.302, F.S.; revising a definition; amending s.
473.312, F.S.; revising the percentage of total hours
of accounting-related and auditing-related continuing
education required by the Board of Accountancy for
license renewal; amending s. 473.313, F.S.; updating
provisions relating to license reactivation; amending
s. 473.322, F.S.; prohibiting a person from performing
or offering to perform certain services without a
license; revising criminal penalties; providing an
effective date.

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

Section 1. Subsection (8) of section 473.302, Florida
Statutes, is amended to read:

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

(8) "Practice of," "practicing public accountancy," or
"public accounting" means:

(a) Offering to perform or performing for the public one or
more types of services involving the expression of an opinion on
financial statements, the attestation as an expert in
accountancy to the reliability or fairness of presentation of
financial information, the utilization of any form of opinion or
financial statements that provide a level of assurance, the
utilization of any form of disclaimer of opinion which conveys
an assurance of reliability as to matters not specifically
disclaimed, or the expression of an opinion on the reliability

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of an assertion by one party for the use by a third party;

(b) Offering to perform or performing for the public one or more types of services involving the use of accounting skills, or one or more types of tax, management advisory, or consulting services, by any person who is a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141, including the performance of such services by a certified public accountant in the employ of a person or firm; ~~or~~

(c) Offering to perform or performing for the public one or more types of service involving the preparation of financial statements not included within paragraph (a), by a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141; by a firm of certified public accountants; or by a firm in which a certified public accountant has an ownership interest, including the performance of such services in the employ of another person. The board shall adopt rules establishing standards of practice for such reports and financial statements; provided, however, that nothing in this paragraph shall be construed to permit the board to adopt rules that have the result of prohibiting Florida certified public accountants employed by unlicensed firms from preparing financial statements as authorized by this paragraph; or

(d) Offering to perform or performing for the public one or more types of services involving any attestation engagements in accordance with the Statements on Standards for Attestation

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59 Engagements.

60
61 However, these terms shall not include services provided by the
62 American Institute of Certified Public Accountants or the
63 Florida Institute of Certified Public Accountants, or any full
64 service association of certified public accounting firms whose
65 plans of administration have been approved by the board, to
66 their members or services performed by these entities in
67 reviewing the services provided to the public by members of
68 these entities.

69 Section 2. Paragraph (b) of subsection (1) of section
70 473.312, Florida Statutes, is amended to read:

71 473.312 Continuing education.—

72 (1)

73 (b) Not less than 10 ~~25~~ percent of the total hours required
74 by the board shall be in accounting-related and auditing-related
75 subjects, as distinguished from federal and local taxation
76 matters and management services.

77 Section 3. Subsection (2) of section 473.313, Florida
78 Statutes, is amended to read:

79 473.313 Inactive status.—

80 (2) A license that has become inactive under subsection (1)
81 or for failure to complete the requirements in s. 473.312 may be
82 reactivated under s. 473.311 upon application to the department.
83 The board may prescribe by rule continuing education
84 requirements as a condition of reactivating a license. The
85 minimum continuing education requirements for reactivating a
86 license are ~~those prescribed by board rule and those of the most~~
87 ~~recent biennium plus one-half of the requirements in s. 473.312.~~

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~~Notwithstanding any other provision of this section, the continuing education requirements are 120 hours, including at least 30 hours in accounting-related and auditing-related subjects, not more than 30 hours in behavioral subjects, and a minimum of 8 hours in ethics subjects approved by the board, for the reactivation of a license that is inactive or delinquent on June 30, 2014, if the Florida certified public accountant notifies the Board of Accountancy by December 31, 2014, of an intention to reactivate such a license and completes such reactivation by June 30, 2016.~~

Section 4. Paragraph (c) of subsection (1) of section 473.322, Florida Statutes, is amended, and subsection (2) of that section is republished, to read:

473.322 Prohibitions; penalties.—

(1) A person may not knowingly:

(c) Perform or offer to perform any services described in s. 473.302(8)(a) or (d) unless such person holds an active license under this chapter and is a licensed firm, provides such services through a licensed firm, or complies with ss. 473.3101 and 473.3141. This paragraph does not prohibit the performance by persons other than certified public accountants of other services involving the use of accounting skills, including the preparation of tax returns and the preparation of financial statements without expression of opinion thereon;

(2) Any person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. This act shall take effect July 1, 2019.

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 Innovation, Industry, and Technology

BILL: SB 648

INTRODUCER: Senator Mayfield

SUBJECT: Continuing Education for Dentists

DATE: March 19, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	Favorable
2.	Kraemer	Imhof	IT	Favorable
3.			RC	

I. Summary:

SB 648 amends s. 466.0135, F.S., to require that dentists complete two hours of dental continuing education (CE) on the safe and effective prescribing of controlled substances during every biennial license renewal period, as part of the 30 hours in general dental subjects currently required by law.

The bill provides an effective date of July 1, 2019.

II. Present Situation:

Health Care Practitioner Licensure

The mission of the Florida Department of Health (DOH) is to protect, promote, and improve the health of all people in Florida through integrated state, county, and community efforts. Working in conjunction with 22 boards and four councils, the DOH, Division of Medical Quality Assurance (MQA) licenses and regulates seven types of health care facilities and more than 200 license types in over 40 professions. Any person desiring to be a licensed health care professional in Florida must apply to the MQA and, for most professions, can apply in writing on line. Most health care professions are regulated by a board or council in conjunction with the DOH, and all profession have different requirements for initial licensure and licensure renewal. Currently, nearly 97 percent of health care practitioners are renewing their licenses online.¹

¹ Florida Dep't of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan, Fiscal Year 2017-2018* (pub Jan. 11, 2019), available at: <http://mqawebteam.com/annualreports/1718/files/assets/common/downloads/publication.pdf> (last visited Mar. 12, 2019).

Dentistry

Chapter 466, F.S., governs the practice of dentistry in Florida. The profession is governed by the Board of Dentistry (BOD), which is composed of 11 members who are appointed by the Governor, subject to Senate confirmation, including seven licensed dentists actively practicing, two dental hygienists actively practicing, and two laypersons.²

Dentistry is concerned with the examination, diagnosis, treatment, and care of conditions within the human oral cavity and its adjacent tissues and structures. It encompasses dental examinations, dental operations, and oral or oral-maxillofacial surgery. It includes:

- The taking of impressions of human teeth or jaws, directly or indirectly by various methods;
- Supplying artificial substitutes for the natural teeth or furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, appliance, or any other structure designed to be worn in the human mouth on the written work order of a licensed dentist;
- The placing or delivering of an appliance or structure in the human mouth or the adjusting or attempting to adjust the same;
- Educating the public about the benefits of dental care and treatment, prosthetic dentures, bridge, appliances, or other structures designed to be worn in the human mouth;
- Diagnosing, prescribing, or treating, or professing to diagnose, prescribe, or treat disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws or oral-maxillofacial region;
- Extracting or attempting to extract human teeth;
- Correcting, or attempting to correct, malformations of human teeth or of human jaws; and
- Repairing or attempting to repair cavities in human teeth.³

Dental Licensure in Florida

The State of Florida does not have dental reciprocity with any other state; and does not issue licenses by endorsement or credentials. The requirements for a dental license by examination are found in s. 466.006, F.S.; and include:

- The applicant must be at least 18 years of age;
- The applicant must be:
 - A graduate of a dental school accredited by the American Dental Association Commission on Dental Accreditation or its successor, or any other dental accrediting entity recognized by the United States Department of Education;
 - A dental student in the final year of a program at such an accredited dental school who has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations;⁴ or
 - A graduate of a dental college or school not accredited by the American Dental Association Commission on Dental Accreditation or the United States Department of

² Section 466.004, F.S.

³ Section 466.003, F.S.

⁴ With respect to a dental student in the final year of a program at a dental school, a passing score on the examinations is valid for 365 days after the date the examinations were completed. A dental school student who takes the licensure examinations during the student's final year of an approved dental school must have graduated before being certified for licensure pursuant to s. 466.011, F.S. See s. 466.006 (2)(b)2., F.S.

Education, or a dental college or school not approved by the BOD, but meets one of the following criteria:

- Has completed a program of study, as defined by BOD rule, at an accredited American dental school and demonstrates receipt of a D.D.S. or D.M.D. from said school; or
- Submits proof of having successfully completed at least two consecutive academic years at a full-time supplemental general dentistry program accredited by the American Dental Association Commission on Dental Accreditation which has a didactic and clinical education program at the level of a D.D.S. or D.M.D. accredited by the American Dental Association Commission on Dental Accreditation; and
- The successful completion of the following examinations:
 - Dental National Board Examination;
 - Florida Laws and Rules Examination; and
 - ADEX Dental Licensing Examination.^{5,6}

Renewal of Dental Licenses

Licensees of the BOD are required to renew their licenses biennially in order to maintain the right to practice. In order to renew his or her dental license a dentist must:

- Submit a renewal application and fee;
- Submit verification of current status relating to prescribing controlled substances for treatment of “chronic nonmalignant pain”;⁷
- Submit a completed financial responsibility form;
- Have a current certification to perform cardiopulmonary resuscitation;⁸
- Have completed at least 30 hours of professional CE⁹ in dental subjects every 2 years as follows:
 - 30 CE hours in general dental subjects;
 - 2 CE hours in medical errors;
 - 2 CE hours in domestic violence (due every third biennial renewal); and
 - 2 CE hours in HIV/AIDS (due for first renewal only).

Controlled Substance Prescribers

Effective July 1, 2018, s. 456.0301, F.S., requires that each person registered with the United States Drug Enforcement Administration (DEA), and authorized to prescribe controlled substances, complete a two-hour continuing education course from a statewide professional association of physicians in Florida that is accredited to provide educational activities designated for the American Medical Association Physician’s Recognition Award Category 1 Credit or the

⁵ See Florida Dep’t of Health, *Dentist*, available at <https://floridasdentistry.gov/licensing/dentist/> (last visited Mar. 12, 2019). Scores from ADEX Dental Licensing examinations administered in Florida are valid for 365 days after the date the official examination results are published. Scores from ADEX Dental Licensing Examinations administered in a jurisdiction other than Florida must be completed on or after October 2, 2011.

⁶ See also s. 466.006(2)(c)2., F.S. An applicant who holds an active Florida health access dental license is not required to take the National Dental Board examination if certain other conditions are met.

⁷ “Chronic nonmalignant pain” is defined as pain unrelated to cancer which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery. Section 456.44(1)(f), F.S.

⁸ See Fla. Admin. Code R. 64B5-12.020, (2019).

⁹ Section 466.0135, F.S.

American Osteopathic Category 1-A medical CE on the safe and effective prescribing of controlled substances by January 31, 2019, and each biennial license renewal thereafter. The course is required to include information on the current standards for prescribing controlled substances, particularly opiates; alternatives to these standards; non-pharmacological therapies; prescribing emergency opioid antagonists; and the risks of opioid addiction following all stages of treatment in the management of acute pain.^{10,11}

Section 456.0301, F.S., provides that persons registered with the DEA and authorized to prescribe controlled substances need not meet the requirement to complete CE imposed by the section, if the licensee is required by his or her applicable practice act to complete a minimum of two hours of CE on the safe and effective prescribing of controlled substances.

The BOD amended Rule 64B5-12, of the Florida Administrative Code, *Continuing Professional Education*, adding subsection (5), which became effective August 6, 2018, requiring that, pursuant to s. 456.0301, F.S., all dental licensees who are registered with the DEA and authorized to prescribe controlled substances must complete a board-approved two-hour course on prescribing controlled substances by January 31, 2019, and at each subsequent biennium renewal or for reactivation of a license.

III. Effect of Proposed Changes:

SB 648 amends s. 466.0135, F.S., to require that dentists complete two hours of dental CE on the safe and effective prescribing of controlled substances during every biennial license renewal period, as part of the 30 hours in general dental subjects currently required by law. The bill provides the BOD authority to adopt rules to implement the new requirement for CE on prescribing of controlled substances under s. 466.004(4), F.S., and to approve dental courses that meet all the criteria of s. 456.0301, F.S.

The bill provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁰ Section 456.0301, F.S.

¹¹ See Fla. Admin. Code R. 64B8-13.005(1)(d) (2019), Fla. Admin. Code R. 64B15-13.001(1)(e) (2019), and Fla. Admin. Code R. 64B18-17.001(2)(d) (2019).

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 466.0135 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.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education, *Vice Chair*
Governmental Oversight and
Accountability, *Vice Chair*
Agriculture
Appropriations Subcommittee on the Environment
and Natural Resources
Appropriations Subcommittee on General
Government
Judiciary

JOINT COMMITTEE:

Joint Legislative Auditing Committee,
Alternating Chair

SENATOR DEBBIE MAYFIELD
17th District

March 6, 2019

The Honorable Wilton Simpson
Chair, Innovation, Industry, and Technology
420 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Re: SB 648

Dear Chair Simpson,

I am respectfully requesting Senate Bill 648, a bill relating to Continuing Education for Dentists, be placed on the agenda for your Innovation, Industry, and Technology Committee.

I appreciate your consideration of this bill and I look forward to working with you and the Innovation, Industry, and Technology Committee. If there are any questions or concerns, please do not hesitate to call my office at 850-487-5017.

Thank you,

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

Debbie Mayfield
State Senator, District 17

Cc: Booter Imhof, Lynn Koon, Patty Harrison, Judy Parker, Brooks Timmons, Judy Wells

REPLY TO:

- ☐ 900 E. Strawbridge Avenue, Melbourne, Florida 32901 (321) 409-2025 FAX: (888) 263-3815
- ☐ 1801 27th Street, Vero Beach, Florida 32960 (772) 226-1970
- ☐ 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/19/19

Meeting Date

SB 648

Bill Number (if applicable)

Topic CE for Dentists

Amendment Barcode (if applicable)

Name Joe Anne Hart

Job Title Chief Legislative Officer

Address 118 E. Jefferson Street
Street
Tall, FL 32301
City State Zip

Phone 850.224.1089

Email jahart@floridadental.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Dental Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/19/19

Meeting Date

SB 648

Bill Number (if applicable)

Topic Continuing Education for Dentists

Amendment Barcode (if applicable)

Name Jessica Love

Job Title Government Consultant

Address P.O. Box 11189

Phone 850-577-9090

Street

Tallahassee

FL

32309

Email jessica.love@gray-robinson.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Society of Oral and Maxillofacial Surgeons

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

COMMITTEE:	Innovation, Industry, and Technology
ITEM:	SB 648
FINAL ACTION:	Favorable
MEETING DATE:	Tuesday, March 19, 2019
TIME:	4:00—6:00 p.m.
PLACE:	110 Senate Building

FINAL VOTE			3/19/2019 ¹ Motion to vote "YEA" after Roll Call					
			Farmer					
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Bracy						
X		Bradley						
		Brandes						
X		Braynon						
VA		Farmer						
X		Gibson						
X		Hutson						
X		Passidomo						
X		Benacquisto, VICE CHAIR						
X		Simpson, CHAIR						
9	0		FAV	-				
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

By Senator Mayfield

17-01055-19

2019648__

A bill to be entitled

An act relating to continuing education for dentists;
amending s. 466.0135, F.S.; requiring a licensed
dentist to complete a minimum of 2 hours of continuing
education on the prescribing of controlled substances
biennially; providing an effective date.

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

Section 1. Subsection (1) of section 466.0135, Florida
Statutes, is amended to read:

466.0135 Continuing education; dentists.—

(1) In addition to the other requirements for renewal set
out in this chapter, each licensed dentist shall be required to
complete biennially at least ~~not less than~~ 30 hours of
continuing professional education in dental subjects, with at
least 2 hours of continuing education on the safe and effective
prescribing of controlled substances. Programs of continuing
education shall be programs of learning that contribute directly
to the dental education of the dentist and may include, but
shall not be limited to, attendance at lectures, study clubs,
college postgraduate courses, or scientific sessions of
conventions; and research, graduate study, teaching, or service
as a clinician. Programs of continuing education shall be
acceptable when adhering to the following general guidelines:

(a) The aim of continuing education for dentists is to
improve all phases of dental health care delivery to the public.

(b) Continuing education courses shall address one or more
of the following areas of professional development, including,

17-01055-19

2019648__

but not limited to:

1. Basic medical and scientific subjects, including, but not limited to, biology, physiology, pathology, biochemistry, and pharmacology;

2. Clinical and technological subjects, including, but not limited to, clinical techniques and procedures, materials, and equipment; and

3. Subjects pertinent to oral health and safety.

(c) The board may also authorize up to three hours of credit biennially for a practice management course that includes principles of ethical practice management, provides substance abuse, effective communication with patients, time management, and burnout prevention instruction.

(d) Continuing education credits shall be earned at the rate of one-half credit hour per 25-30 contact minutes of instruction and one credit hour per 50-60 contact minutes of instruction.

Section 2. This act shall take effect July 1, 2019.

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 Innovation, Industry, and Technology

BILL: CS/SB 1124

INTRODUCER: Innovation, Industry, and Technology Committee and Senator Harrell

SUBJECT: Dispensing Medicinal Drugs

DATE: March 19, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	Favorable
2.	Oxamendi	Imhof	IT	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1124 amends s. 465.019, F.S., to authorize individuals licensed to prescribe medicinal drugs to dispense a 48-hour supply, rather than a 24-hour supply, of medicinal drugs to any patient, including a discharged patient, of a hospital emergency department that operates a Class II or Class III institutional pharmacy with a community pharmacy permit from the Department of Health (DOH), under certain conditions.

The bill authorizes individuals licensed to prescribe medicinal drugs to dispense a 72-hour supply, rather than a 48-hour supply provided in the bill, during a declared state of emergency in the area, under certain conditions.

The effective date of the bill is July 1, 2019.

II. Present Situation:

Medicinal Prescribing and Dispensing Practitioners

There are several professions in Florida that have prescriptive authority at various levels, including:

- Allopathic physicians;
- Osteopathic physicians;

- Podiatrists;
- Dentists;
- Advanced registered nurse practitioners;¹
- Physician assistants;² and
- Pharmacists.³

A person may not dispense medicinal drugs unless licensed as a pharmacist, except that a practitioner authorized by law to prescribe drugs may dispense medicinal drugs to his or her patients in the regular course of her or his practice.⁴ A practitioner who dispenses medicinal drugs for human consumption for fee or remuneration of any kind, whether directly or indirectly, must:

- Register with her or his professional licensing board as a dispensing practitioner and pay a board-established fee at the time of such registration and upon each renewal of his or her license;
- Comply with, and be subject to, all laws and rules applicable to pharmacists and pharmacies, including, but not limited to, chs. 456, 499 and 893, F.S., and all applicable federal laws and federal regulations; and
- Give each patient a written prescription and, orally or in writing, advise the patient that the prescription may be filled in the practitioner's office or at any pharmacy, before dispensing any drug.⁵

Pharmacy

The practice of pharmacy and the licensure of pharmacies are regulated by ch. 465, F.S. The "practice of the profession of pharmacy" includes:

- Compounding, dispensing, and consulting the consumer concerning the contents, therapeutic values, and uses of any medicinal (prescription)⁶ drug; and
- Other pharmaceutical services.^{7,8}

¹ See s. 464.012(3)(a), F.S.

² See ss. 458.347 (4)(e)4., and 459.022(4)(e)4., F.S.

³ See s. 465.186, F.S. and Fla. Admin. Code R. 64B8-36.001 (2019).

⁴ Section 465.0276, F.S.

⁵ Section 465.0276(2), F.S.

⁶ Under s. 465.003(8), F.S., "medicinal drugs" means substances commonly known as "prescription" or "legend" drugs required by law to be dispensed by prescription only.

⁷ Section 465.003(13), F.S.

⁸ In the context of pharmacy practice, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of the patient's drug therapy and communication with the patient's prescribing health care provider as licensed under chs. 458, 459, 461, or 466, F.S., or similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient, regarding the drug therapy. The "practice of the profession of pharmacy" also includes any other act, service, operation, research, or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, expressly permits a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients, and includes the administration of vaccines to adults. Section 465.003(13), F.S.

The Board of Pharmacy

The Board of Pharmacy (board) is created within the DOH and is authorized to make rules to regulate the practice of professional pharmacy in pharmacies meeting minimum requirements for safe practice.⁹ All pharmacies must obtain a permit before operating, unless exempt by law. This is true whether opening a new establishment or simply changing locations or owners.¹⁰

The Practice of Pharmacy

There are seven types of pharmacies eligible for various operating permits issued by the DOH:

- Community pharmacy;¹¹
- Institutional pharmacy;¹²
- Nuclear pharmacy;¹³
- Special pharmacy;¹⁴
- Internet pharmacy;¹⁵
- Non-resident sterile compounding pharmacy;¹⁶ and
- Special sterile compounding pharmacy.¹⁷

Institutional Pharmacies

An “institutional pharmacy” includes any pharmacy located in a health care institution, which includes a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility where medicinal drugs are compounded, dispensed, stored, or sold.¹⁸ Institutional pharmacy permits are required for any pharmacy located in any health care institution.¹⁹

All institutional pharmacies must designate a consultant pharmacist²⁰ who is responsible for maintaining all drug records required by law, and for establishing drug handling procedures for the safe handling and storage of drugs. The consultant pharmacist may also be responsible for

⁹ Sections 465.002, and 465.0155, F.S.

¹⁰ See Fla. Admin. Code R. 64B16-28.100(1) (2019).

¹¹ The term “community pharmacy” includes every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis. See ss. 465.003(11)(a)1. and 465.018, F.S.

¹² See ss. 465.003(11)(a)2. and 465.019, F.S.

¹³ The term “nuclear pharmacy” includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold, but does not include hospitals licensed under ch. 395, F.S., or the nuclear medicine facilities of such hospitals. See ss. 465.003(11)(a)3. and 465.0193, F.S.

¹⁴ The term “special pharmacy” includes every location where medicinal drugs are compounded, dispensed, stored, or sold if such locations are not otherwise defined by law. See ss. 465.003(11)(a)4. and 465.0196, F.S.

¹⁵ The term “internet pharmacy” includes locations not otherwise licensed or issued a permit under ch. 465, F.S., whether or not in Florida, which use the Internet to communicate with or obtain information from consumers in this state and use such communication or information to fill or refill prescriptions or to dispense, distribute, or otherwise engage in the practice of pharmacy in this state. See ss. 465.003(11)(a)5. and 465.0197, F.S.

¹⁶ The term “nonresident sterile compounding pharmacy” includes a pharmacy that ships, mails, delivers, or dispenses, in any manner, a compounded sterile product into Florida, and a nonresident pharmacy registered under s. 465.0156, F.S., or an outsourcing facility, must hold a nonresident sterile compounding permit. See s. 465.0158, F.S.

¹⁷ See Fla. Admin. Code R. 64B16-28.100 and 64B16-28.802 (2019). An outsourcing facility is considered a pharmacy and must hold a special sterile compounding permit if it engages in sterile compounding.

¹⁸ Section 465.003(11)(a)2., F.S.

¹⁹ See Fla. Admin. Code R. 64B16-28.100(3) (2019).

²⁰ See ss. 465.003(11), and 465.0125, F.S.

ordering and evaluating any laboratory or clinical tests when such tests are necessary for the proper performance of his or her responsibilities.²¹ Such laboratory or clinical tests may be ordered only with regard to patients residing in a nursing home, and then only when authorized by the facility's medical director. The consultant pharmacist must complete additional training and demonstrate additional qualifications in the practice of institutional pharmacy, as required by the board, and be licensed as a registered pharmacist.^{22,23}

Currently there are four types of institutional pharmacy permits issued by the board to institutional pharmacies: Institutional Class I, Class II, Modified Class II, and Class III.²⁴

Institutional Class I Pharmacy

A Class I institutional pharmacy is an institutional pharmacy in which all medicinal drugs are administered from individual prescription containers to an individual patient; and in which medicinal drugs are not dispensed on the premises, except licensed nursing homes²⁵ may purchase medical oxygen for administration to residents.²⁶

Institutional Class II Pharmacy

A Class II institutional pharmacy is a pharmacy that employs the services of a registered pharmacist or pharmacists who, in practicing institutional pharmacy, provide dispensing and consulting services on the premises to patients of the institution, for use on the premises of the institution.²⁷ A Class II institutional pharmacy is required to be open sufficient hours to meet the needs of the hospital facility.²⁸ The consultant pharmacist of record is responsible for establishing a written policy and procedure manual.²⁹ An institutional Class II pharmacy may elect to participate in the Cancer Drug Donation Program within the Department of Business and Professional Regulation.³⁰

²¹ *Id.*

²² Section 465.0125, F.S.

²³ As required by Fla. Admin. Code R. 64B16-28.501(1), (2), and (3) (2019), the consultant pharmacist must also "conduct Drug Regimen Reviews required by Federal or State law, inspect the facility and prepare a written report to be filed at the permitted facility at least monthly, . . . monitor the facility system for providing medication administration records and physician order sheets to ensure that the most current record of medications is available for the monthly drug regimen review, and may utilize additional consultant pharmacists to assist in this review and in the monthly facility inspection." A licensed consultant pharmacist may "remotely access a facility or pharmacy's electronic database from outside the facility or pharmacy to conduct any services additional or supplemental to regular drug regimen reviews, subject to the pharmacy or facility establishing policies and procedures to ensure the security and privacy of confidential patient records, including compliance with applicable Federal HIPAA regulations." The board must be notified in writing within ten days of any change in the consultant pharmacist of record, pursuant to Fla. Admin. Code R. 64B16-28.100(3)(b) (2019).

²⁴ Section 465.019, F.S.

²⁵ See part II, ch. 400, F.S., relating to nursing homes.

²⁶ Section 465.019(2)(a), F.S.

²⁷ See s. 565.019(2)(b), F.S. Exceptions apply when there is a state of emergency and for single doses of a drug ordered by physicians under limited circumstances.

²⁸ See Fla. Admin. Code R. 64B16-28.603 (2019).

²⁹ See s. 465.019(5), F.S.

³⁰ See s. 499.029, F.S., relating to the Cancer Drug Donation Program Act.

Modified Institutional Class II Pharmacy Permits

Modified Institutional Class II pharmacies are those institutional pharmacies in short-term, primary care treatment centers that meet all the requirements for a Class II permit, except space and equipment requirements.³¹ Modified Class II Institutional pharmacies are designated as Type A, Type B, and Type C according to the specialized type of the medicinal drug delivery system utilized at the facility, either a patient-specific or bulk drug system, and the quantity of the medicinal drug formulary at the facility.³²

All Modified Class II institutional pharmacies must be under the control and supervision of a certified consultant pharmacist. The consultant pharmacist of record is responsible for developing and maintaining a current policy and procedure manual. The permittee must make available the policy and procedure manual to the appropriate state or federal agencies upon inspection.³³

Institutional Class III Pharmacies

Class III institutional pharmacies are those pharmacies, including central distribution facilities, affiliated with a hospital that provide the same services that are authorized by a Class II institutional pharmacy permit. Class III institutional pharmacies may also:

- Dispense, distribute, compound, and fill prescriptions for medicinal drugs;
- Prepare prepackaged drug products;
- Conduct other pharmaceutical services for the affiliated hospital and for entities under common control that are each permitted under ch. 465, F.S., to possess medicinal drugs; and
- Provide the services in Class I institutional pharmacies, Class II institutional pharmacies, and Modified Class II institutional pharmacies which hold an active health care clinic establishment permit.^{34,35}

A Class III institutional pharmacy must also maintain policies and procedures addressing the following:

- Safe practices for the preparation, dispensing, prepackaging, distribution, and transportation of medicinal drugs and prepackaged drug products;

³¹ See s. 465.019(2)(c), F.S.

³² See Fla. Admin. Code R. 64B16-28.702(2), (2019). Modified Class II Institutional Pharmacies and provide the following pharmacy services: 1) Type “A” Modified Class II Institutional Pharmacies provide pharmacy services in a facility which has a formulary of not more than 15 medicinal drugs, excluding those medicinal drugs contained in an emergency box, and in which the medicinal drugs are stored in bulk and in which the consultant pharmacist provides on-site consultations not less than once every month, unless otherwise directed by the board after review of the policy and procedure manual; 2) Type “B” Modified Class II Institutional Pharmacies provide pharmacy services in a facility in which medicinal drugs are stored in the facility in patient specific form and in bulk form and which has an expanded drug formulary, and in which the consultant pharmacist provides on-site consultations not less than once per month, unless otherwise directed by the board after review of the policy and procedure manual; and 3) Type “C” Modified Class II Institutional Pharmacies provide pharmacy services in a facility in which medicinal drugs are stored in the facility in patient specific form and which has an expanded drug formulary, and in which the consultant pharmacist provides onsite consultations not less than once per month, unless otherwise directed by the board after review of the policy and procedure manual.

³³ See Florida Board of Pharmacy, *Institutional Pharmacy Permit* <http://floridaspharmacy.gov/licensing/institutional-pharmacy-permit/> (last visited Feb. 19, 2019).

³⁴ Section 465.019(2)(d)1., F.S.

³⁵ See s. 499.01(2)(r), F.S.

- Recordkeeping to monitor the movement, distribution, and transportation of medicinal drugs and prepackaged drug products;
- Recordkeeping of pharmacy staff responsible for each step in the preparation, dispensing, prepackaging, transportation, and distribution of medicinal drugs and prepackaged drug products; and
- Medicinal drugs and prepackaged drug products that may not be safely distributed among Class III institutional pharmacies.³⁶

Institutional Pharmacies – Dispensing Medicinal Drugs

Class II and Class III institutional pharmacies are permitted to dispense medicinal drugs to outpatients only when that institution has been issued a community pharmacy permit from the DOH.³⁷ An individual licensed to prescribe medicinal drugs may dispense up to a 24-hour supply of a medicinal drug to any patient of an emergency department of a hospital that operates a Class II or Class III institutional pharmacy, provided that the physician treating the patient in such hospital's emergency department determines the following:

- The medicinal drug is warranted; and
- Community pharmacy services are not readily accessible, geographically or otherwise, to the patient.³⁸

Such dispensing from the emergency department must be in accordance with the procedures of the hospital. For any such patient for whom a medicinal drug is warranted for a period to exceed 24 hours, an individual licensed to prescribe such drug must dispense a 24-hour supply of such drug to the patient and must provide the patient with a prescription for the drug for use after the initial 24-hour period.³⁹

III. Effect of Proposed Changes:

The bill permits an individual licensed to prescribe medicinal drugs to dispense up to a 48-hour supply, rather than 24-hour supply, of medicinal drugs to any patient of, or patient discharged from, a hospital emergency department that operates a Class II or Class III institutional pharmacy with a community pharmacy permit from the DOH. The physician treating the patient must determine that:

- The medicinal drug is warranted; and
- Community pharmacy services are not readily accessible to the patient, geographically or otherwise.

The bill does not affect the existing requirement in s. 465.019(4), F.S., that an emergency department with a Class II or Class III institutional pharmacy hold a community pharmacy permit, before it may dispense medicinal drugs to any patient, including a discharged patient. The institutional pharmacy must also dispense the medicinal drugs in accordance with hospital procedures. If the dispensing of a medicinal drug to a patient is warranted for a period of longer than 48 hours, the individual licensed to prescribe the drug must provide a 48-hour supply to the

³⁶ Section 465.019(d)2., F.S.

³⁷ See s. 465.019, F.S., which prohibits a Class I institutional pharmacy from dispensing medicinal drugs.

³⁸ Section 465.019(4), F.S.

³⁹ *Id.*

patient and must provide the patient with a prescription for the drug for use after the initial 48-hours. The board may adopt rules necessary to carry out these provisions.

The bill also authorizes individuals licensed to prescribe medicinal drugs to dispense a 72-hour supply, rather than a 48-hour supply provided in the bill, during a declared state of emergency in the area. The dispensing of a 72-hour supply is subject to the same conditions provided in the bill for dispensing a 48-hour supply to any patient of, or patient discharged from, a hospital emergency department that operates a Class II or Class III institutional pharmacy with a community pharmacy permit from the DOH.

This act shall take effect July 1, 2019.

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 465.019 of the Florida Statutes.

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

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

CS by Innovation, Industry, and Technology on March 19, 2019:

The CS authorizes individuals licensed to prescribe medicinal drugs to dispense a 72-hour supply, rather than a 48-hour supply provided in the bill, during a declared state of emergency in the area, under certain conditions.

B. Amendments:

None.



695950

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2019	.	
	.	
	.	
	.	

The Committee on Innovation, Industry, and Technology (Harrell)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 15 - 35

and insert:

(4) (a) Medicinal drugs shall be dispensed in an
institutional pharmacy to outpatients only when that institution
has secured a community pharmacy permit from the department.
However, an individual licensed to prescribe medicinal drugs in
this state may dispense up to a 48-hour ~~24-hour~~ supply of a
medicinal drug to any patient of, or patient discharged from, an



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emergency department of a hospital that operates a Class II or Class III institutional pharmacy, provided that the physician who is treating the patient in such hospital's emergency department, or who is treating the discharged patient, determines that the medicinal drug is warranted and that community pharmacy services are not readily accessible, geographically or otherwise, to the patient. Such dispensing from the emergency department to any patient, including a discharged patient, must be in accordance with the procedures of the hospital. For any such patient for whom a medicinal drug is warranted for a period to exceed 48 ~~24~~ hours, an individual licensed to prescribe such drug must dispense a 48-hour ~~24-hour~~ supply of such drug to the patient and must provide the patient with a prescription for such drug for use after the initial 48-hour ~~24-hour~~ period. ~~The board may adopt rules necessary to carry out the provisions of this subsection.~~

(b) Notwithstanding paragraph (a), if a state of emergency has been declared for an area of the state pursuant to s. 252.36, an individual licensed to prescribe medicinal drugs in this state may dispense up to a 72-hour supply of a medicinal drug to any patient of, or patient discharged from, an emergency department of a hospital located in that area which operates a Class II or Class III institutional pharmacy, provided that the physician who is treating the patient in such hospital's emergency department, or who is treating the discharged patient, determines that the medicinal drug is warranted and that community pharmacy services are not readily accessible, geographically or otherwise, to the patient. Such dispensing from the emergency department to any patient, including a



695950

discharged patient, must be in accordance with the procedures of the hospital. For any such patient for whom a medicinal drug is warranted for a period to exceed 72 hours, an individual licensed to prescribe such drug shall dispense a 72-hour supply of such drug to the patient and shall provide the patient with a prescription for such drug for use after the initial 72-hour period.

(c) The board may adopt rules to implement this subsection.

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

And the title is amended as follows:

Delete line 7

and insert:

under certain circumstances; authorizing such individuals to dispense a 72-hour supply if a state of emergency has been declared in the area; authorizing such individuals to provide prescriptions for an additional supply of such drugs; authorizing the Board of Pharmacy to adopt rules; providing an effective



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR GAYLE HARRELL
25th District

COMMITTEES:

Health Policy, *Chair*
Appropriations Subcommittee on Health
and Human Services, *Vice Chair*
Appropriations Subcommittee on Criminal
and Civil Justice
Children, Families, and Elder Affairs
Military and Veterans Affairs and Space

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

March 13, 2019

Senator Wilton Simpson
420 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Simpson,

I respectfully request that **SB 1124 – Dispensing Medicinal Drugs** be placed on the next available agenda for the Innovation, Industry and Technology Committee Meeting. **SB 1124** passed its last Committee stop unanimously.

Should you have any questions or concerns, please feel free to contact my office. Thank you in advance for your consideration.

Thank you,

A handwritten signature in cursive script that reads "Gayle".

Senator Gayle Harrell
Senate District 25

Cc: Booter Imhof, Staff Director
Lynn Koon, Committee Administrative Assistant

REPLY TO:

- ☐ 215 SW Federal Highway, Suite 203, Stuart, Florida 34994 (772) 221-4019
- ☐ 310 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

COMMITTEE:	Innovation, Industry, and Technology
ITEM:	SB 1124
FINAL ACTION:	Favorable with Committee Substitute
MEETING DATE:	Tuesday, March 19, 2019
TIME:	4:00—6:00 p.m.
PLACE:	110 Senate Building

FINAL VOTE		SENATORS	3/19/2019 Amendment 695950					
			Yea	Nay	Yea	Nay	Yea	Nay
X		Bracy						
X		Bradley						
X		Brandes						
X		Braynon						
X		Farmer						
X		Gibson						
		Hutson						
X		Passidomo						
X		Benacquisto, VICE CHAIR						
X		Simpson, CHAIR						
9	0		RCS	-				
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

By the Committee on Innovation, Industry, and Technology; and
Senator Harrell

580-03249-19

20191124c1

A bill to be entitled
An act relating to dispensing medicinal drugs;
amending s. 465.019, F.S.; authorizing individuals
licensed to prescribe medicinal drugs to dispense a
48-hour supply, rather than a 24-hour supply, of such
drugs to any patient, including a discharged patient,
under certain circumstances; authorizing such
individuals to dispense a 72-hour supply if a state of
emergency has been declared in the area; authorizing
such individuals to provide prescriptions for an
additional supply of such drugs; providing an
effective date.

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

Section 1. Subsection (4) of section 465.019, Florida
Statutes, is amended to read:

465.019 Institutional pharmacies; permits.—

(4) (a) Medicinal drugs shall be dispensed in an
institutional pharmacy to outpatients only when that institution
has secured a community pharmacy permit from the department.
However, an individual licensed to prescribe medicinal drugs in
this state may dispense up to a 48-hour ~~24-hour~~ supply of a
medicinal drug to any patient of, or patient discharged from, an
emergency department of a hospital that operates a Class II or
Class III institutional pharmacy, provided that the physician
who is treating the patient in such hospital's emergency
department, or who is treating the discharged patient,
determines that the medicinal drug is warranted and that

580-03249-19

20191124c1

community pharmacy services are not readily accessible,
geographically or otherwise, to the patient. Such dispensing
from the emergency department to any patient, including a
discharged patient, must be in accordance with the procedures of
the hospital. For any such patient for whom a medicinal drug is
warranted for a period to exceed 48 ~~24~~ hours, an individual
licensed to prescribe such drug must dispense a 48-hour ~~24-hour~~
supply of such drug to the patient and must provide the patient
with a prescription for such drug for use after the initial 48-
hour ~~24-hour~~ period.

(b) Notwithstanding paragraph (a), if a state of emergency
has been declared for an area of the state pursuant to s.
252.36, an individual licensed to prescribe medicinal drugs in
this state may dispense up to a 72-hour supply of a medicinal
drug to any patient of, or patient discharged from, an emergency
department of a hospital located in that area which operates a
Class II or Class III institutional pharmacy, provided that the
physician who is treating the patient in such hospital's
emergency department, or who is treating the discharged patient,
determines that the medicinal drug is warranted and that
community pharmacy services are not readily accessible,
geographically or otherwise, to the patient. Such dispensing
from the emergency department to any patient, including a
discharged patient, must be in accordance with the procedures of
the hospital. For any such patient for whom a medicinal drug is
warranted for a period to exceed 72 hours, an individual
licensed to prescribe such drug shall dispense a 72-hour supply
of such drug to the patient and shall provide the patient with a
prescription for such drug for use after the initial 72-hour

580-03249-19

20191124c1

59 period.

60 (c) The board may adopt rules ~~necessary~~ to implement ~~carry~~
61 ~~out the provisions of~~ this subsection.

62 Section 2. This act shall take effect July 1, 2019.

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 Innovation, Industry, and Technology

BILL: CS/SB 196

INTRODUCER: Innovation, Industry, and Technology Committee and Senator Powell

SUBJECT: Office of Public Counsel

DATE: March 19, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Imhof	IT	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 196 creates a four-year term for the Public Counsel. It deletes the current provision that the Public Counsel serves at the pleasure of the joint committee, and replaces it with authorization for the joint committee to remove a sitting Public Counsel by a majority vote of the committee appointees of each house. The bill requires the committee to receive applications, conduct interviews, and appoint a Public Counsel to a four-year term beginning on January 15, 2021, and every four years thereafter. No term may exceed four years, except that the Public Counsel may continue in office beyond the four-year limit until his or her successor is appointed and takes office, unless he or she was removed by the committee. A person may not be appointed Public Counsel if by the end of a term he or she would have served more than 12 consecutive years.

The bill takes effect July 1, 2019.

II. Present Situation:

The Public Counsel has the statutory duty to provide legal representation for the people of the state in proceedings before the Florida Public Service Commission and in proceedings concerning a water or wastewater utility before counties that have opted out of PSC jurisdiction over such utilities.¹

¹ Section 350.0611, F.S.

The Public Counsel is under the legislative branch, and the Governor has no power to release or withhold funds appropriated to it or to determine the number, or fix the compensation, of the employees of the Public Counsel or to exercise any control over them.²

The Public Counsel is appointed by and serves at the pleasure of the committee, and is subject to biennial reconfirmation. Vacancies in the office are to be filled in the same manner as the original appointment. The Public Counsel is to perform his or her duties independently.³

III. Effect of Proposed Changes:

The bill creates a four-year term for the Public Counsel. It deletes the current provision that the Public Counsel serves at the pleasure of the joint committee, and replaces it with authorization for the joint committee to remove a sitting Public Counsel by a majority vote of the committee appointees of each house. The bill requires the committee to receive applications, conduct interviews, and appoint a Public Counsel to a four-year term beginning on January 15, 2021, and every four years thereafter. No term may exceed four years, except that the Public Counsel may continue in office beyond the four-year limit until his or her successor is appointed and takes office, unless he or she was removed by the committee. A person may not be appointed Public Counsel if by the end of a term he or she would have served more than 12 consecutive years.

The bill takes effect July 1, 2019.

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.

² Section 350.0614, F.S.

³ Section 350.061, F.S.

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 350.061 of the Florida Statutes.

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

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

CS by Innovation, industry, and Technology on March 19, 2019:

The committee substitute:

- Authorizes the joint committee to remove a sitting Public Counsel by majority vote of the committee appointees of each house;
- Allows a sitting Public Counsel to continue to serve beyond the newly-created four-year term until the committee appoints a successor and the successor takes office; and
- Makes stylistic changes in structure and wording.

B. Amendments:

None.



554202

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2019	.	
	.	
	.	
	.	

The Committee on Innovation, Industry, and Technology (Powell)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 350.061, Florida
Statutes, is amended to read:

350.061 Public Counsel; appointment; oath; restrictions on
Public Counsel and his or her employees.—

(1) The committee designated by joint rule of the
Legislature or by agreement between the President of the Senate



554202

and the Speaker of the House of Representatives as the Committee on Public Counsel Oversight shall appoint a Public Counsel to represent the general public of Florida before the Florida Public Service Commission. The Public Counsel must ~~shall~~ be an attorney admitted to practice before the Florida Supreme Court, ~~and shall be appointed for a term of 4 years serve at the pleasure of the Committee on Public Counsel Oversight,~~ and may be reappointed thereafter, provided that a person appointed as the Public Counsel may not serve more than 12 consecutive years in the position. The Public Counsel may be removed from office by a majority vote of the committee appointees of each house. A person may continue as Public Counsel beyond the 4-year limit until his or her successor is appointed and takes office, unless the person is removed as Public Counsel by a vote of the committee. The Committee on Public Counsel Oversight shall receive applications, conduct interviews, and appoint a Public Counsel to a 4-year term beginning on January 15, 2021, and every 4 years thereafter, ~~subject to biennial reconfirmation by the committee.~~ The Public Counsel shall perform his or her duties independently. Vacancies in the office shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

===== 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 Office of Public Counsel; amending



554202

s. 350.061, F.S.; providing term limits for the Public
Counsel; requiring the Committee on Public Counsel
Oversight to receive applications, conduct interviews,
and appoint a Public Counsel by a specified date every
4 years; providing for the filling of vacancies;
providing an effective date.



503648

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/20/2019	.	
	.	
	.	
	.	

The Committee on Innovation, Industry, and Technology (Farmer) recommended the following:

Senate Amendment to Amendment (554202) (with title amendment)

Delete line 20

and insert:

in the position. Any service in a term of office which commenced before January 15, 2021, does not count toward the limitation on years of service imposed by this subsection. The Public Counsel may be removed from office



503648

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

12 And the title is amended as follows:

13 Delete line 41

14 and insert:

15 Counsel; specifying that the limitation applies only
16 to terms of office beginning on or after a specified
17 date; requiring the Committee on Public Counsel



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Innovation, Industry, and Technology

Subject: Committee Agenda Request

Date: March 15, 2019

I respectfully request that **Senate Bill #196**, relating to Office of Public Counsel, be placed on the:

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

A handwritten signature in blue ink, reading "Bobby Powell", is written over a horizontal line.

Senator Bobby Powell
Florida Senate, District 30

COMMITTEE: Innovation, Industry, and Technology
ITEM: SB 196
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, March 19, 2019
TIME: 4:00—6:00 p.m.
PLACE: 110 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

By the Committee on Innovation, Industry, and Technology; and
Senator Powell

580-03250-19

2019196c1

A bill to be entitled

An act relating to Office of Public Counsel; amending
s. 350.061, F.S.; providing term limits for the Public
Counsel; requiring the Committee on Public Counsel
Oversight to receive applications, conduct interviews,
and appoint a Public Counsel by a specified date every
4 years; providing for the filling of vacancies;
providing an effective date.

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

Section 1. Subsection (1) of section 350.061, Florida
Statutes, is amended to read:

350.061 Public Counsel; appointment; oath; restrictions on
Public Counsel and his or her employees.—

(1) The committee designated by joint rule of the
Legislature or by agreement between the President of the Senate
and the Speaker of the House of Representatives as the Committee
on Public Counsel Oversight shall appoint a Public Counsel to
represent the general public of Florida before the Florida
Public Service Commission. The Public Counsel must ~~shall~~ be an
attorney admitted to practice before the Florida Supreme Court,
~~and~~ shall be appointed for a term of 4 years, and may be
reappointed thereafter, provided that a person appointed as the
Public Counsel may not serve more than 12 consecutive years in
the position. The Public Counsel may be removed from office by a
majority vote of the committee appointees of each house. A
person may continue as Public Counsel beyond the 4-year limit
until his or her successor is appointed and takes office, unless

580-03250-19

2019196c1

30 the person is removed as Public Counsel by a vote of the
31 committee. The Committee on Public Counsel Oversight shall
32 receive applications, conduct interviews, and appoint a Public
33 Counsel to a 4-year term beginning on January 15, 2021, and
34 every 4 years thereafter ~~serve at the pleasure of the Committee~~
35 ~~on Public Counsel Oversight, subject to biennial reconfirmation~~
36 ~~by the committee.~~ The Public Counsel shall perform his or her
37 duties independently. Vacancies in the office shall be filled
38 for the remainder of the unexpired term in the same manner as
39 the original appointment.

40 Section 2. This act shall take effect July 1, 2019.

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 Innovation, Industry, and Technology

BILL: SB 742

INTRODUCER: Senator Braynon

SUBJECT: Designation of Eligible Telecommunications Carriers

DATE: March 18, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Imhof	IT	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 742 amends s. 364.10, F.S., relating to Lifeline services, to authorize the Public Service Commission (PSC or commission) to designate a commercial mobile radio service (CMRS) provider as an eligible telecommunications carrier, upon petition, for the limited purpose of providing Lifeline service. The section conforms to federal Lifeline service guidelines by:

- Requiring a subscriber to present proof of continued eligibility upon request of the eligible telecommunications carrier; and
- Revising the income eligibility test to 135 from 150 percent or less of federal poverty income guidelines.

The bill removes obsolete language, and makes technical and conforming changes.

Section 364.107, F.S., relating to public records exemptions, is amended to clarify that the Federal Communications Commission (FCC) or its designee may receive confidential and exempt information for purposes directly connected with eligibility for, verification related to, or auditing of a Lifeline Assistance Plan.

This bill takes effect upon becoming a law.

II. Present Situation:

The Lifeline program was created by the federal government in 1985 to provide phone service discounts for qualifying low-income consumers as part of the federal Universal Service Program. In 2016, the FCC adopted a comprehensive modernization reform adding broadband access to the Lifeline program. As a result, qualifying households may either receive up to a \$9.25

discount on their monthly phone or broadband bill or receive a free Lifeline cell phone and limited voice or broadband from certain wireless carriers.¹

In Florida, the PSC oversees the Lifeline program and Lifeline services are provided to eligible customers by an “eligible telecommunications carrier,” a term defined to mean “a telecommunications company, as defined by s. 364.02, F.S., which is designated as an eligible telecommunications carrier by the commission pursuant to 47 C.F.R. s. 54.201.”²

The commission only evaluates applications for eligible telecommunications carrier (ETC) designation from wireline companies, leaving wireless applications to be evaluated by the FCC.³ The commission explains this position as follows: “The Florida 2011 Legislature (HB 1231), removed the FPSC authority to designate ETC wireless providers. Effective July 1, 2012, wireless providers must directly apply for Florida ETC designation with the FCC.”⁴

The Public Service Commission indicated that under federal law, a common carrier⁵ must be designated as an ETC to receive federal universal service support. The ETCs can receive financial support from the federal high-cost and low-income Lifeline programs. The common carriers also can seek a limited ETC designation for purposes of receiving financial support from only the federal low-income program to offer Lifeline services to residential households.⁶ Federal law also establishes the state commissions as the primary agencies to designate common carriers as ETCs. Only when the state commissions lack the state authority to make these designations can the FCC take action.⁷

In 2011, the Florida Legislature passed the “Regulatory Reform Act,” completing its deregulation of retail landline telecommunications service providers. Prior to this Act, s. 364.011, F.S., in part, exempted wireless communications from PSC jurisdiction except as “specifically authorized by federal law.” The Act deleted the quoted language from this statute.⁸ This appears to be the statutory change that the PSC refers to as removing its authority to designate a wireless carrier as an ETC.

Wireless companies must petition the FCC to be designated an ETC. There are 35 wireless ETC designation petitions pending at the FCC; the first of these petitions was filed in 2011.⁹

¹ Florida Public Service Commission, *Florida Lifeline Assistance: Number of Customers Subscribing to Lifeline Service And the Effectiveness of Procedures to Promote Participation*, 3 (Dec. 2018), available at <http://www.psc.state.fl.us/Files/PDF/Publications/Reports/Telecommunication/LifelineReport/2018.pdf> (last accessed March 13, 2019).

² Section 364.10, F.S.

³ Fla. Public Service Commission, *supra* note 1 at 9.

⁴ Fla. Public Service Commission, *supra* note 1 at 9, FN 13.

⁵ A common carrier is an entity that is obligated to furnish communications services to the general public on a non-discriminatory basis.

⁶ *2019 Bill Analysis for SB 742*, Florida Public Service Commission, February 26, 2019.

⁷ *Id.*

⁸ Ch. 2011-36, s. 3, Laws of Fla.

⁹ *Supra* at note 6.

In April 27, 2016, the FCC released an Order reforming many aspects of the federal Lifeline program.¹⁰ Among these changes was the prohibition of state qualifying criteria for consumers to receive federal support. The income eligibility qualifying criteria s. 364.10(2)(a), F.S., is 150 percent or less of the federal poverty income guidelines. This exceeds the criteria of 135 percent established by the FCC. The difference will not be reimbursed from the federal program.¹¹ The order also removed the free and reduced school lunch program as a qualifying program for Lifeline. Section 364.10(2)(f)1., F.S., provides that the Florida Department of Education as one of the agencies to promote the Lifeline program which is now no longer effective.¹²

Section 364.107, F.S., provides that personal identifying information of a participant in a telecommunications carrier's Lifeline Assistance Plan under s. 364.10, F.S., held by the Public Service Commission is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. Information made confidential and exempt may be released to the applicable telecommunications carrier for purposes directly connected with eligibility for, verification related to, or auditing of a Lifeline Assistance Plan.

III. Effect of Proposed Changes:

Section 1 amends s. 364.10, F.S., on Lifeline services, to authorize the PSC to designate a commercial mobile radio service (CMRS) provider as an eligible telecommunications carrier, upon petition, for the limited purpose of providing Lifeline service.

The bill conforms the section to federal Lifeline service guidelines by:

- Requiring a subscriber to present proof of continued eligibility upon request of the eligible telecommunications carrier; and
- Revising the income eligibility test to 135 from 150 percent or less of federal poverty income guidelines.
- Removing the Department of Education from the agencies to promote the Lifeline Program.

The bill removes obsolete language, and makes technical and conforming changes.

Section 2 amends s. 364.107, F.S., relating to public records exemptions, to clarify that the Federal Communication Commission or its designee may receive confidential and exempt information for purposes directly connected with eligibility for, verification related to, or auditing of a Lifeline Assistance Plan.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁰ See Order No. FCC 16-38, in WC Docket Nos. 11-42, 09-197, and 10-90.

¹¹ *Supra* at note 6.

¹² *Id.*

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill should allow wireless communications services providers to obtain an eligible telecommunications carrier designation quicker, thereby allowing them to provide Lifeline service to eligible customers and obtain Universal Service payments quicker. This should benefit both the carriers and customers.

C. Government Sector Impact:

The PSC may incur costs associated with designating these carriers as eligible telecommunications carriers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 364.10 and 364.107.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Innovation, Industry, and Technology

Subject: Committee Agenda Request

Date: March 6, 2019

I respectfully request that **Senate Bill # 742**, relating to *Designation of Eligible Telecommunications Carriers; Including certain commercial mobile radio service providers within the definition of the term "eligible telecommunications carrier"; authorizing the Public Service Commission to designate any commercial mobile radio service provider as an eligible telecommunications carrier for the limited purpose of providing Lifeline service; deleting a provision requiring carriers to allow subscribers to demonstrate continued eligibility for Lifeline service under certain conditions, etc.*, be placed on the:

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

A handwritten signature in black ink, appearing to read "Oscar Braynon II".

Senator Oscar Braynon II
Florida Senate, District 35

CC.

Booter Imhof
Lynn Koon

COMMITTEE: Innovation, Industry, and Technology
ITEM: SB 742
FINAL ACTION: Favorable
MEETING DATE: Tuesday, March 19, 2019
TIME: 4:00—6:00 p.m.
PLACE: 110 Senate Building

FINAL VOTE								
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Bracy						
X		Bradley						
X		Brandes						
X		Braynon						
X		Farmer						
X		Gibson						
		Hutson						
X		Passidomo						
X		Benacquisto, VICE CHAIR						
X		Simpson, CHAIR						
9	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

By Senator Braynon

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1 A bill to be entitled
2 An act relating to designation of eligible
3 telecommunications carriers; amending s. 364.10, F.S.;
4 including certain commercial mobile radio service
5 providers within the definition of the term "eligible
6 telecommunications carrier"; authorizing the Public
7 Service Commission to designate any commercial mobile
8 radio service provider as an eligible
9 telecommunications carrier for the limited purpose of
10 providing Lifeline service; deleting a provision
11 requiring carriers to allow subscribers to demonstrate
12 continued eligibility for Lifeline service under
13 certain conditions; requiring subscribers to furnish
14 proof of eligibility upon request from the carrier or
15 the Federal Communications Commission or its designee;
16 revising the carriers that may provide Lifeline
17 service; revising Lifeline service eligibility;
18 deleting obsolete provisions; revising the entities
19 with which the commission may exchange certain
20 information; amending s. 364.107, F.S.; revising the
21 entities to which certain information relating to
22 Lifeline service eligibility may be released;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 364.10, Florida Statutes, is amended to
28 read:
29 364.10 Lifeline service.—

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(1)(a) An eligible telecommunications carrier must ~~shall~~ provide a Lifeline Assistance Plan to qualified residential subscribers, as defined in the eligible telecommunications carrier's published schedules. For the purposes of this section, the term "eligible telecommunications carrier" means a telecommunications company, as defined by s. 364.02, which is designated as an eligible telecommunications carrier by the commission pursuant to 47 C.F.R. s. 54.201. Notwithstanding the provision of s. 364.011 which exempts certain commercial mobile radio service providers from commission oversight, the term "eligible telecommunications carrier" includes any commercial mobile radio service provider designated by the commission pursuant to 47 C.F.R. s. 54.201, and the commission, upon petition, may make such a designation only for the purpose of providing Lifeline service.

(b) An eligible telecommunications carrier must ~~shall~~ offer a consumer who applies for or receives Lifeline service the option of blocking all toll calls or, if technically capable, placing a limit on the number of toll calls a consumer can make. The eligible telecommunications carrier may not charge the consumer an administrative charge or other additional fee for blocking the service.

(c) An eligible telecommunications carrier may not collect a service deposit in order to initiate Lifeline service if the qualifying low-income consumer voluntarily elects toll blocking or toll limitation. If the qualifying low-income consumer elects not to place toll blocking on the line, an eligible telecommunications carrier may charge a service deposit.

(d) An eligible telecommunications carrier may not charge

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Lifeline subscribers a monthly number-portability charge.

(e)1. An eligible telecommunications carrier must notify a Lifeline subscriber of impending termination of Lifeline service if the company has a reasonable basis for believing that the subscriber no longer qualifies for the service. Notification of pending termination must be in the form of a letter that is separate from the subscriber's bill.

~~2. An eligible telecommunications carrier shall allow a subscriber 60 days following the date of the pending termination letter to demonstrate continued eligibility.~~ The subscriber must present proof of continued eligibility upon request of the eligible telecommunications carrier or the Federal Communications Commission or its designee. An eligible telecommunications carrier may transfer a subscriber off of Lifeline service, pursuant to its tariff, if the subscriber fails to demonstrate continued eligibility.

3. The commission shall establish procedures for such notification and termination.

(f) An eligible telecommunications carrier must ~~shall~~ timely credit a consumer's bill with the Lifeline Assistance credit as soon as practicable, but no later than 60 days following receipt of notice of eligibility from the Office of Public Counsel or proof of eligibility from the consumer.

(2) (a) ~~Each local exchange telecommunications company that has more than 1 million access lines and that is designated as~~ An eligible telecommunications carrier, including ~~shall, and~~ any commercial mobile radio service provider designated as an eligible telecommunications carrier pursuant to 47 U.S.C. s. 214(e), may, ~~upon filing a notice of election to do so with the~~

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~~commission, provide Lifeline service to any otherwise eligible customer or potential customer who meets an income eligibility test at 135 ~~150~~ percent or less of the federal poverty income guidelines for Lifeline customers. Such a test for eligibility must augment, rather than replace, the eligibility standards established by federal law and based on participation in certain low-income assistance programs. Each intrastate interexchange telecommunications company shall file or publish a schedule providing at a minimum the intrastate interexchange telecommunications company's current Lifeline benefits and exemptions to Lifeline customers who meet the income eligibility test set forth in this subsection.~~ The Office of Public Counsel shall certify and maintain claims submitted by a customer for eligibility under the income test authorized by this subsection.

(b) Each eligible telecommunications carrier subject to this subsection must ~~shall~~ provide to each state and federal agency providing benefits to persons eligible for Lifeline service applications, brochures, pamphlets, or other materials that inform the persons of their eligibility for Lifeline, and each state agency providing the benefits shall furnish the materials to affected persons at the time they apply for benefits.

(c) An eligible telecommunications carrier may not discontinue basic local telecommunications service to a subscriber who receives Lifeline service because of nonpayment by the subscriber of charges for nonbasic services billed by the telecommunications company, including, but not limited to, long-distance service. A subscriber who receives Lifeline service must ~~shall~~ pay all applicable basic local telecommunications

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117 service fees, including the subscriber line charge, E-911,
118 telephone relay system charges, and applicable state and federal
119 taxes.

120 (d) An eligible telecommunications carrier may not refuse
121 to connect, reconnect, or provide Lifeline service because of
122 unpaid toll charges or nonbasic charges other than basic local
123 telecommunications service.

124 (e) An eligible telecommunications carrier may require that
125 payment arrangements be made for outstanding debt associated
126 with basic local telecommunications service, subscriber line
127 charges, E-911, telephone relay system charges, and applicable
128 state and federal taxes.

129 (f) An eligible telecommunications carrier may block a
130 Lifeline service subscriber's access to all long-distance
131 service, except for toll-free numbers, and may block the ability
132 to accept collect calls if ~~when~~ the subscriber owes an
133 outstanding amount for long-distance service or amounts
134 resulting from collect calls. However, the eligible
135 telecommunications carrier may not impose a charge for blocking
136 long-distance service. The eligible telecommunications carrier
137 shall remove the block at the request of the subscriber without
138 additional cost to the subscriber upon payment of the
139 outstanding amount. An eligible telecommunications carrier may
140 charge a service deposit before removing the block.

141 (g)1. ~~By December 31, 2010,~~ Each state agency that provides
142 benefits to persons eligible for Lifeline service shall
143 undertake, in cooperation with the Department of Children and
144 Families, ~~the Department of Education,~~ the commission, the
145 Office of Public Counsel, and telecommunications companies

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146 designated eligible telecommunications carriers providing
147 Lifeline services, the development of procedures to promote
148 Lifeline participation. The department ~~departments~~, the
149 commission, and the Office of Public Counsel may exchange
150 sufficient information with the appropriate eligible
151 telecommunications carriers or the Federal Communications
152 Commission or its designee and any commercial mobile radio
153 service provider electing to provide Lifeline service under
154 paragraph (a), such as a person's name, date of birth, service
155 address, and telephone number, so that eligible customers ~~the~~
156 ~~carriers~~ can be enrolled ~~identify and enroll an eligible person~~
157 in the Lifeline and Link-Up programs. The information remains
158 confidential and exempt pursuant to s. 364.107 and may only be
159 used for purposes of determining eligibility and enrollment in
160 the Lifeline and Link-Up programs.

161 2. If any state agency determines that a person is eligible
162 for Lifeline services, the agency must ~~shall~~ immediately forward
163 the information to the commission to ensure that the person is
164 automatically enrolled in the program with the appropriate
165 eligible telecommunications carrier. The state agency shall
166 include an option for an eligible customer to choose not to
167 subscribe to the Lifeline service. The Public Service Commission
168 and the Department of Children and Families shall, ~~no later than~~
169 ~~December 31, 2007,~~ adopt rules creating procedures to
170 automatically enroll eligible customers in Lifeline service.

171 3. ~~By December 31, 2010,~~ The commission, the Department of
172 Children and Families, the Office of Public Counsel, and each
173 eligible telecommunications carrier offering Lifeline and Link-
174 Up services shall convene a Lifeline Workgroup to discuss how

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the eligible subscriber information in subparagraph 1. will be shared, the obligations of each party with respect to the use of that information, and the procedures to be implemented to increase enrollment and verify eligibility in these programs.

(h) The commission shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 each year on the number of customers who are subscribing to Lifeline service and the effectiveness of any procedures to promote participation.

(i) The commission may undertake appropriate measures to inform low-income consumers of the availability of the Lifeline and Link-Up programs.

(j) The commission shall adopt rules to administer this section.

Section 2. Subsection (2) of section 364.107, Florida Statutes, is amended to read:

364.107 Public records exemption; Lifeline Assistance Plan participants.—

(2) Information made confidential and exempt under subsection (1) may be released to the applicable telecommunications carrier or to the Federal Communications Commission or its designee for purposes directly connected with eligibility for, verification related to, or auditing of a Lifeline Assistance Plan.

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

CourtSmart Tag Report

Room: EL 110
Caption: Senate Committee on Innovation, Industry, and Technology

Case No.:

Type:
Judge:

Started: 3/19/2019 4:02:58 PM

Ends: 3/19/2019 4:50:57 PM

Length: 00:48:00

4:02:57 PM	Call to order
4:03:04 PM	Pledge of Allegiance
4:03:39 PM	Chair Opening Remarks
4:03:52 PM	Take up Tab 4 SB 648
4:03:59 PM	Senator Mayfield to explain the bill
4:04:42 PM	questions?
4:04:46 PM	appearance forms
4:04:50 PM	Jessica Love waives in support
4:04:57 PM	Joann Hart waives in support
4:05:07 PM	Debate?
4:05:11 PM	Waives close
4:05:16 PM	SB 648 reported favorably
4:05:30 PM	Take up Tab 1 SB 604
4:05:40 PM	Senator Pizzo for an explanation
4:05:57 PM	Questions?
4:06:10 PM	Senator Benaquisto for a question
4:06:17 PM	Senator Pizzo for a response
4:06:42 PM	Senator Benacquisto for a follow up
4:07:35 PM	Senator Pizzo for a response
4:07:44 PM	Senator Benacquisto for a follow up
4:07:51 PM	Senator Pizzo for a response
4:08:16 PM	Senator Benacquisto for a follow up
4:08:24 PM	Senator Pizzo for a response
4:08:59 PM	Senator Hutson for a question
4:09:07 PM	Senator Pizzo for a follow up
4:09:39 PM	Senator Simpson for a comment
4:09:48 PM	Senator Pizzo for a follow up
4:09:54 PM	Debate?
4:09:56 PM	Senator Pizzo to close
4:10:07 PM	SB 604 is reported favorably
4:10:32 PM	Take up Tab 2 SB 1152
4:10:39 PM	Senator Pizzo for an explanation
4:11:03 PM	Questions?
4:11:12 PM	Senator Braynon for a question
4:11:20 PM	Senator Pizzo for a response
4:11:29 PM	Senator Benacquisto for a question
4:11:37 PM	Senator Pizzo for a response
4:12:36 PM	Appearance forms
4:12:41 PM	Richard Turner waives in opposition
4:12:53 PM	James Van Drunen
4:16:27 PM	Pio Ieraci
4:18:06 PM	Senator Gibson for a question
4:18:21 PM	Pio Ieraci for a response
4:18:36 PM	Senator Gibson for a follow up
4:18:47 PM	Chair Simpson for a question
4:18:58 PM	Pio Ieraci for a response
4:19:18 PM	Senator Gibson for a question
4:19:24 PM	Pio Ieraci for a response
4:19:30 PM	Senator Gibson for a question
4:19:41 PM	Jon Pasqualome
4:21:09 PM	Senator Bracy for a question
4:21:22 PM	Jon Pasqualome for a response

4:22:09 PM Jim Millican
4:23:51 PM Tim Meenan
4:27:24 PM Kevin Rhoden
4:27:38 PM Debate?
4:27:45 PM Senator Pizzo to close
4:27:56 PM Senator Brandes in debate
4:29:06 PM Senator Pizzo to close
4:31:32 PM SB 1152 is reported favorably
4:32:32 PM Take up Tab 3 SB 1252
4:32:46 PM Senator Gruters for an explanation
4:33:18 PM Questions?
4:33:22 PM Senator Farmer for a question
4:33:39 PM Senator Gruters for a response
4:34:03 PM Senator Brandes for a question
4:34:12 PM Senator Gruters for a response
4:34:28 PM Appearance Cards
4:34:34 PM Justin Thames waives in support
4:34:46 PM Debate?
4:34:49 PM Senator Gruters waives close
4:34:58 PM SB 1252 is reported favorably
4:35:16 PM Take up Tab 6 SB 196
4:35:36 PM Senator Powell for an explanation
4:36:21 PM Take up Amendment 554202
4:36:29 PM Senator Powell for an explanation on the amendment
4:36:49 PM Questions?
4:36:57 PM Take up Amendment to the Amendment 503648
4:37:16 PM Senator Farmer for an explanation on the AA
4:37:48 PM Senator Farmer withdraws the Amendment to the Amendment
4:38:00 PM Back on Amendment 554202
4:38:10 PM Questions?
4:38:13 PM No appearance forms
4:38:16 PM Debate?
4:38:18 PM Senator Powell waives close on the Amendment
4:38:30 PM Amendment is adopted
4:38:36 PM Back on the bill as amended.
4:38:44 PM Debate?
4:38:47 PM Senator Powell waives close
4:38:54 PM CS/SB 196 is reported favorably
4:39:09 PM Take up Tab 5 SB 1124
4:39:17 PM Senator Harrell for an explanation
4:40:15 PM Take up Amendment 695950
4:40:24 PM Senator Harrell for an explanation on the amendment
4:40:35 PM Questions?
4:40:40 PM No appearance forms
4:40:43 PM Debate on Amendment ?
4:40:47 PM Senator Harrell waives close
4:40:53 PM Amendment is adopted
4:40:56 PM Back on the bill as amended
4:41:03 PM Questions?
4:41:08 PM Senator Brandes for a question
4:41:14 PM Senator Harrell for a response
4:42:22 PM Senator Brandes for a follow up
4:42:38 PM Senator Harrell for a response
4:43:35 PM Senator Benacquisto for a question
4:43:49 PM Senator Harrell for a response
4:44:29 PM Senator Gibson for a question
4:44:56 PM Senator Harrell for a response
4:45:16 PM Senator Gibson for a follow up
4:45:29 PM Senator Harrell for a follow up
4:45:38 PM Senator Gibson for a follow up
4:45:50 PM Senator Harrell for a response
4:46:56 PM No appearance forms

4:47:03 PM	Debate?
4:47:07 PM	Senator Harrell to close
4:47:11 PM	CS/SB 1124 is reported favorably
4:48:03 PM	Take up Tab 7 SB 742
4:48:15 PM	Senator Braynon for an explanation
4:49:04 PM	Questions?
4:49:09 PM	Appearance forms
4:49:13 PM	Paul Turner waives in support
4:49:22 PM	Joanna Bonfanti waives in support
4:49:38 PM	Debate?
4:49:41 PM	Senator Braynon waives close
4:49:54 PM	SB 742 is reported favorably
4:50:16 PM	Senator Farmer votes afater roll call favorable on SB 648 and SB 604
4:50:37 PM	Meeting adjourned