

Tab 1	SB 202 by Brandes; (Identical to H 0441) Court Records					
Tab 2	SB 226 by Artiles; (Similar to H 0289) Property Taxes					
241760	A	S	JU, Powell	Delete L.507 - 546.	02/06 02:09 PM	
Tab 3	SB 264 by Artiles; (Similar to H 0357) Self-storage					
104484	A	S	RCS JU, Artiles	Delete L.68 - 108:	02/07 03:24 PM	
Tab 4	SB 352 by Hutson; Legislative Redistricting and Congressional Reapportionment					
Tab 5	SB 344 by Steube; Regional Counsels					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Steube, Chair
Senator Benacquisto, Vice Chair

MEETING DATE: Tuesday, February 7, 2017**TIME:** 2:00—4:00 p.m.**PLACE:** Toni Jennings Committee Room, 110 Senate Office Building**MEMBERS:** Senator Steube, Chair; Senator Benacquisto, Vice Chair; Senators Bracy, Flores, Garcia, Gibson, Mayfield, Powell, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 202 Brandes (Identical H 441)	Court Records; Providing an exemption from liability for the inadvertent release of certain information by the clerk of court, etc. JU 02/07/2017 Favorable GO RC	Favorable Yeas 8 Nays 0
2	SB 226 Artiles (Similar H 289)	Property Taxes; Providing that a possessor of real property for 7 years must pay all delinquent taxes prior to claiming adverse possession; providing criteria under which a property appraiser may waive unpaid penalties and interest for improper nonpayment or reduction payment of ad valorem taxes by certain property owners claiming a homestead exemption; revising a provision authorizing a property appraiser to exempt certain tangible personal property from ad valorem taxation without filing an initial return, etc. JU 02/07/2017 Temporarily Postponed AFT AP	Temporarily Postponed
3	SB 264 Artiles (Similar H 357)	Self-storage; Providing that a lien sale may be conducted on certain websites; providing that a self-storage facility owner is not required to have a license to post property for online sale; authorizing an owner to impose and collect a late fee from a tenant under certain circumstances; specifying that late fees in a specified amount are deemed reasonable and do not constitute a penalty, etc. JU 02/07/2017 Fav/CS RI RC	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Tuesday, February 7, 2017, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 352 Hutson	Legislative Redistricting and Congressional Reapportionment; Requiring a court to provide for an expedited hearing and ruling in a challenge to state legislative or congressional district boundaries; providing that candidate qualifying, nomination, and election for certain offices must proceed using current district boundaries if revisions to districts are not made as of a certain date; specifying public oversight procedures that a court is encouraged to follow when drafting a remedial redistricting plan, etc. JU 02/07/2017 Favorable EE RC	Favorable Yeas 7 Nays 1
5	SB 344 Steube	Regional Counsels; Clarifying the procedure for the nomination and appointment of regional counsels; specifying the number of candidates that must be nominated when a current regional counsel does not apply for reappointment, etc. JU 02/07/2017 Favorable EE RC	Favorable Yeas 8 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 Judiciary

BILL: SB 202

INTRODUCER: Senator Brandes

SUBJECT: Court Records

DATE: February 6, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Brown	Cibula	JU	Favorable
2. _____	_____	GO	_____
3. _____	_____	RC	_____

I. Summary:

SB 202 provides immunity from liability to the clerk of court for inadvertently releasing confidential information from a court record which the filer failed to disclose to the clerk. The liability protections apply to the release of any information made confidential by court rules or the Florida Statutes. This information includes, among other things, records of dependency matters, a victim's address in a domestic violence action, juvenile delinquency records, medical records, adoption records and estate inventories.

Under current law, clerks are immune from liability for the inadvertent release of a few items of confidential information. Specifically, a clerk is not liable for inadvertently releasing social security, bank account, charge, debit, and credit card numbers found in official records or court records filed before January 1, 2012.

The expanded liability protections in the bill apply to court records filed on or after January 1, 2012.

II. Present Situation:

Public Records Law

The Florida Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.¹ This right to access public records includes records made or received by legislative, executive, and judicial branches of government.²

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

The Florida Statutes also specify conditions under which public access must be provided to government records. The Public Records Act³ guarantees every person's right to inspect and copy any state or local government public record⁴ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁵

Only the Legislature may create an exemption from the requirement that a public record be accessible to the public.⁶ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.⁷ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions⁸ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.⁹

Exemption from Public Records Law for Certain Sensitive Information

Social security numbers held by an agency are confidential and exempt from the public access requirements of the public records law.¹⁰ As justification for the exemption, the Legislature recognized that:

the social security number can be used as a tool to perpetuate fraud against an individual and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to an individual.¹¹

Similarly, bank account numbers and debit, charge, and credit card numbers held by an agency are exempt from disclosure requirements under the public records law.¹²

³ Chapter 119, F.S.

⁴ Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992)).

⁵ Section 119.07(1)(a), F.S.

⁶ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So. 2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see Attorney General Opinion* 85-62, August 1, 1985).

⁷ FLA. CONST., art. I, s. 24(c).

⁸ The bill may, however, contain multiple exemptions that relate to one subject.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ Section 119.071(5)(a)5., F.S.

¹¹ Section 119.071(5)(a), F.S.

¹² Section 119.071(5)(b), F.S.

The requirements to maintain and disclose records under the Public Records Act apply to an “agency,” which includes executive branch agencies and local governments.¹³ However, the exemptions for social security numbers and financial account numbers also apply to official records and court records kept by the clerk of court.

Official Records

The clerk of the court maintains official records and court records. An official record is recorded by the clerk as part of a general series called “Official Records” and includes such documents as bills of sale, mortgages, deeds, notices of levy, tax warrants, and liens.¹⁴

A person who prepares or files an official record is generally not supposed to include social security, bank account, debit, charge, and credit card numbers in the document.¹⁵ However, if a person’s social security number or financial account number is included in an official record, the person or his or her attorney or legal guardian may request that the information be redacted. If the clerk does not receive a redaction request, the sensitive information may be included in the records available to the public.¹⁶

If the record containing a social security number or financial account number is in an electronic format, the clerk as county recorder¹⁷ must use his or her best efforts to keep the information confidential and exempt without a request for redaction.¹⁸ However, the clerk is immune from liability for an inadvertent release of this sensitive information.¹⁹

Court Records

For court records filed with the clerk of court on and after January 1, 2012, the clerk must maintain any social security numbers and financial account numbers in those records as confidential and exempt from disclosure under public records law.²⁰ For records filed before January 1, 2012, a clerk is not liable for inadvertently releasing the sensitive information.²¹ However, a person whose social security number or financial account number is contained in an

¹³ See, i.e., *Locke v. Hawkes*, 595 So. 2d 32, 37 (1992), in which the Florida Supreme Court held that the definition of an agency in chapter 119, F.S., was intended to apply solely to executive branch agencies and officers and to local governmental entities and their officers.

¹⁴ Section 28.222(2) and (3), F.S.

¹⁵ Section 119.0714(3), F.S.

¹⁶ Section 119.0714(3)(a), F.S.

¹⁷ Section 28.22(1), F.S., provides that the clerk is the county recorder. “The clerk of the circuit court shall be the recorder of all instruments that he or she may be required or authorized by law to record in the county where he or she is clerk.”

¹⁸ Section 119.0714(3)(a)1., F.S.

¹⁹ Section 119.0714(3)(e), F.S.

²⁰ Section 119.0714(2)(d) and (2)(e)1., F.S. The Legislature made the public records exemption for social security numbers, bank account, debit, credit and charge card numbers in court records permanent in 2007 (ch. 2007-251, L.O.F.) At that time, the Legislature extended the period of time in which the holder would need to make a redaction request for the number to be removed from the records, from January 1, 2008 to January 1, 2011. In 2010, the Legislature extended the January 1, 2011 date by a year, to give the clerks until January 1, 2012 to have a process in place for redacting the numbers on its own, without the prompting of the holder of the number (Conference Committee Amendment for CS/HB 5401, *Summary of Conference Committee Action* (April 30, 2010)). Chapter 2010-162, L.O.F.

²¹ Section 119.0714(2)(d), F.S.

older record, or his or her attorney or legal guardian, may request that the clerk redact the numbers from the record.²²

Rules of Court

The Florida Rules of Judicial Administration require the clerk of the court to designate and maintain the confidentiality of the following records or information:

- Chapter 39 records relating to dependency matters, termination of parental rights, guardians ad litem, child abuse, neglect, and abandonment.
- Adoption records.
- Social Security, bank account, charge, debit, and credit card numbers.
- HIV test results and the identity of any person upon whom an HIV test has been performed.
- Records, including test results, held by the Department of Health or its authorized representatives relating to sexually transmissible diseases.
- Birth records and portions of death and fetal death records.
- Information that can be used to identify a minor petitioning for a waiver of parental notice when seeking to terminate pregnancy.
- Clinical records under the Baker Act.
- Records of substance abuse service providers which pertain to the identity, diagnosis, and prognosis of and service provision to individuals.
- Clinical records of criminal defendants found incompetent to proceed or acquitted by reason of insanity.
- Estate inventories and accountings.
- The victim's address in a domestic violence action on petitioner's request.
- Protected information regarding victims of child abuse or sexual offenses.
- Gestational surrogacy records.
- Guardianship reports, orders appointing court monitors, and orders relating to findings of no probable cause in guardianship cases.
- Grand jury records.
- Records acquired by courts and law enforcement regarding family services for children.
- Juvenile delinquency records.
- Records disclosing the identity of persons subject to tuberculosis proceedings and records held by the Department of Health or its authorized representatives relating to known or suspected cases of tuberculosis or exposure to tuberculosis.
- Complete presentence investigation reports.
- Forensic behavioral health evaluations.
- Eligibility screening, substance abuse screening, behavioral health evaluations, and treatment status reports for defendants referred to or considered for referral to a drug court program.²³

Additionally, a person who files a record containing any of the confidential information above must alert the clerk to the existence of the information using a form Notice of Confidential

²² Section 119.0714(2)(a), F.S.

²³ Fla. R. Jud. Admin. 2.420(d)(1)(B). Rule 2.420 (d)(1)(B)(iii) mirrors the distinction between pre- and post-January 1, 2012 records for purposes of confidentiality of social security, bank account, charge, debit, and credit card numbers.

Information within Court Filing.²⁴ Once the form notice is filed, the clerk court must review filings identified as containing confidential information to determine whether the information is facially subject to confidentiality.²⁵

An attorney also indirectly represents whether a document filed in the court records contains confidential information by his or her signature on the document. The attorney's signature, according to court rules, is a certificate by the attorney that a document filed with the court contains no confidential or sensitive information or that confidential or sensitive information has been properly protected.²⁶

Florida Rules of Judicial Administration Committee Meeting

At a meeting of the Florida Rules of Judicial Administration Committee, dated May 29, 2015, clerks raised a concern over the issue of attorneys filing documents with the clerk without disclosing the confidential nature of the documents. Specifically, the clerks were concerned that they would be liable for the inadvertent disclosure of confidential information, and they sought indemnification from liability through court rule. Committee members instructed the clerks that this matter is appropriately within the province of the Legislature, not the court. As such, the committee advised the clerks to seek statutory immunity.²⁷

III. Effect of Proposed Changes:

This bill grants immunity from liability to the clerk of court for inadvertently releasing confidential information in a court record which the filer failed to disclose to the clerk. The liability protections apply to the release of any information made confidential by court rules or the Florida Statutes. This information includes, among other things, records of dependency matters, a victim's address in a domestic violence action, juvenile delinquency records, medical records, adoption records and estate inventories.

Under current law, clerks are immune from liability for the inadvertent release of a narrower scope of confidential information. Specifically, a clerk is not liable for inadvertently releasing social security, bank account, charge, debit, and credit card numbers found in official records or court records that were filed before January 1, 2012.

The expanded liability protections in the bill apply to court records filed on or after January 1, 2012.

The bill takes effect July 1, 2017.

²⁴ Fla. R. Jud. Admin. 2.420(2)(d).

²⁵ Fla. R. Jud. Admin. 2.420 (d)(2)(B).

²⁶ Fla. R. Jud. Admin. 2.515(a)(4).

²⁷ The Florida Bar Rules of Judicial Administration Committee, *Subcommittee Action Report*, pg. 1, 9-10 (May 29, 2015.)

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

The bill precludes an individual who is harmed by the release of his or her social security number, financial account number, or other confidential information from seeking damages from a clerk of court. However, the bill does not preclude the person from seeking damages from the person who filed the confidential information without properly disclosing its existence to the clerk.

C. Government Sector Impact:

This bill may reduce risk exposure of the clerk of court, by providing immunity from liability for an inadvertent release of any information classified as confidential by the court. According to the clerks:

Clerks receive literally millions of pages of documents filed each year and in spite of the Rules of Judicial Administration, many of those pages contain confidential or sensitive information that has not been identified as required.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²⁸ Clerks of the Court, *Clerks Liability for Redaction Errors* (On file with the Senate Committee on Judiciary).

VIII. Statutes Affected:

This bill substantially amends section 119.0714, Florida Statutes.

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

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

None.

B. Amendments:

None.

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

By Senator Brandes

24-00353-17

2017202__

A bill to be entitled

An act relating to court records; amending s.
119.0714, F.S.; providing an exemption from liability
for the inadvertent release of certain information by
the clerk of court; deleting obsolete language;
providing an effective date.

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

Section 1. Paragraph (e) of subsection (2) of section
119.0714, Florida Statutes, is amended, and paragraph (g) is
added to that subsection, to read:

119.0714 Court files; court records; official records.—

(2) COURT RECORDS.—

(e)1. ~~On January 1, 2012, and thereafter,~~ The clerk of the
court must keep social security numbers confidential and exempt
as provided for in s. 119.071(5)(a), and bank account, debit,
charge, and credit card numbers exempt as provided for in s.
119.071(5)(b), without any person having to request redaction.

2. Section 119.071(5)(a)7. and 8. does not apply to the
clerks of the court with respect to court records.

(g) The clerk of the court is not liable for the
inadvertent release of information made confidential by the
Florida Rules of Judicial Administration if the filer fails to
disclose the existence of the confidential information to the
clerk of the court as required by court rule.

Section 2. This act shall take effect July 1, 2017.



The Florida Senate

Committee Agenda Request

To: Senator Greg Steube, Committee
on Judiciary

Subject: Committee Agenda Request

Date: January 13th, 2017

I respectfully request that **Senate Bill #202**, relating to **Court Records**, be placed on the:

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

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

Senator Jeff Brandes
Florida Senate, District 24

THE FLORIDA SENATE

APPEARANCE RECORD

2/7/17

Meeting Date

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

SB 202

Bill Number (if applicable)

Topic Court Records

Amendment Barcode (if applicable)

Name Jon Castello

Job Title Lobbyist

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Court House News Service

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)

2/7/2017

Meeting Date

202

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Justice-2-Jesus

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)

2/7/16

Meeting Date

SB 202

Bill Number (if applicable)

Topic Clerks - Court Records

Amendment Barcode (if applicable)

Name Fred Baggett

Job Title Managing Director - Greenberg Trarvig

Address 101 E. College Avenue

Phone 850.222.6891

Street

Tallahassee

City

FL

State

32308

Zip

Email baggett@qhaw.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida's Clerks of Court + Comptrollers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 226

INTRODUCER: Senator Artiles

SUBJECT: Property Taxes

DATE: February 6, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Cibula	JU	Pre-meeting
2.			AFT	
3.			AP	

I. Summary:

SB 226 makes several changes related to the property tax process. Specifically, these changes:

- Require the payment of all “delinquent” taxes instead of all “outstanding” taxes on a parcel of real property as a condition of establishing title by adverse possession;
- Extend the time that the property appraiser has to appeal a value adjustment board decision to 60 days from 30 days and grants both the property appraiser and the taxpayer 30 days to file cross-claims in any appeal;
- Allow a property appraiser to waive penalties and interest when a taxpayer improperly claims an exemption under certain circumstances;
- Limit the petitioners in a joint petition to the value adjustment board by a condominium association, cooperative association, or homeowners’ association to those unit or parcel owners who have opted into the petition instead of those who have not opted out;
- Authorizes the value adjustment board to hear a petition that is filed up to 25 days after the petition deadline if the petitioner shows good cause and the county has extended the tax roll before all VAB hearings have been completed;
- Provides that “good cause” for rescheduling a value adjustment board hearing does not include being scheduled for value adjustment board hearings in different jurisdictions at the same time;
- Provides that an appraisal performed by a person who serves as a special magistrate for the value adjustment board may not be used in a value adjustment board hearing in the same year that the person serves as a special magistrate;
- Requires that when a value adjustment board reduces an assessment and the property appraiser appeals the decision to the court, the original assessment by the property appraiser must be used to calculate subsequent years’ assessment limitations until the court proceedings are resolved;
- Authorizes the property appraiser to grant the \$25,000 exemption from the tangible personal property tax even if the taxpayer has not previously filed a personal property tax return;

- Allows a local government that is seeking to impose a special assessments to avoid publishing notice in a local newspaper by including additional information in first class mailings to affected taxpayers; and
- Limits information included in annual Truth in Millage notices to information related to the tax notice.

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill.

II. Present Situation:

Overview of Property Taxes

Ad Valorem Process

The ad valorem tax or “property tax” is an annual tax levied by counties, cities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies applicable exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³

Each property appraiser submits the county’s tax roll to the Department of Revenue (DOR) for review by July 1 of each year for assessments as of the prior January 1.⁴ In August, the property appraiser sends a Truth in Millage (TRIM) notice to each taxpayer providing specific tax information about his or her parcel.⁵ Taxpayers who disagree with the property appraiser’s assessment or the denial of an exemption or property classification may:

- Request an informal meeting with the property appraiser;⁶
- Appeal the assessment by filing a petition with the county value adjustment board (VAB);⁷ or
- Challenge the assessment in circuit court.⁸

Taxes become payable on November 1. However, assessments subject to VAB petitions may not become final by the November 1 deadline. If a petitioner challenges a VAB assessment, the board of county commissioners may request that the tax collector extend the tax roll⁹ prior to the

¹ Both real and tangible personal property are subject to the tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the State Constitution provides otherwise. FLA. CONST. art. VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

³ See s. 192.001(2) and (16), F.S.

⁴ Section 193.1142(1), F.S.

⁵ Section 200.069, F.S.

⁶ Section 194.011(2), F.S.

⁷ Section 194.011(3), F.S.

⁸ Section 194.171, F.S.

⁹ Extending the tax roll enables the VAB to complete its review of petitions while the local government uses the preliminary roll to establish the budget.

completion of VAB proceedings and instruct the tax collector to begin issuing tax notices based on the property appraiser's initial tax roll. As part of extending the roll, the board may require the VAB to certify the portion of the roll that it has completed.¹⁰

Within 20 working days after receiving the certified tax roll, tax collectors send each taxpayer a tax notice.¹¹ Property taxes are delinquent if they not paid before April 1 of the year following the assessment year.¹²

The Value Adjustment Board Process

Each county has a VAB, comprised of two members of the governing body of the county, one member of the school board and two citizen members appointed by the governing body of the county.¹³ The county clerk acts as the clerk of the VAB.¹⁴ A property owner may initiate a challenge by filing a petition with the clerk of the VAB within 25 days after the mailing of the TRIM notice.¹⁵

The clerk of the VAB is responsible for receiving completed petitions, acknowledging receipt to the taxpayer, sending a copy of the petition to the property appraiser, and scheduling hearings.

Petitioners before the board may be represented by:

- An employee of the taxpayer or an affiliated entity;
- An attorney who is a member of The Florida Bar;
- A licensed real estate appraiser or broker;
- A certified public accountant;
- A power of attorney; or
- A person having written authorization to act on the taxpayer's behalf without compensation.¹⁶

Current law requires VABs to render a written decision within 20 calendar days after the last day the board is in session.¹⁷ The decision of the VAB must contain findings of fact and conclusions of law and must include reasons for upholding or overturning the determination of the property appraiser.¹⁸ If a special magistrate has been appointed, the recommendations of the special magistrate must be considered by the VAB.¹⁹ The clerk of the VAB, upon issuance of a decision, must notify each taxpayer and the property appraiser of the decision of the VAB.

¹⁰ See ss. 193.122(1) and 197.323, F.S. The value adjustment board certifies each assessment roll, based on its adjustments, pursuant to an order by the board of county commissioners, and then again after all hearings have been held. Certificates are attached to each roll. Unless the board of county commissioners extends the roll, the VAB must complete all hearings and certify the roll to the property appraiser by June 1 following the assessment year.

¹¹ Section 197.322, F.S.

¹² Section 197.333, F.S.

¹³ Section 194.015, F.S.

¹⁴ *Id.*

¹⁵ Section 194.011(3)(d), F.S.

¹⁶ Section 194.034(1)(a), (b), and (c), F.S.

¹⁷ Section 194.034(2), F.S.

¹⁸ *Id.*; See also Rules 12D-9.030, 12D-9.032, and 12D-10.003(3), F.A.C.

¹⁹ Section 194.034(2), F.S.

Additional information regarding the present situation is included in the discussion of the effect of the proposed changes below.

III. Effect of Proposed Changes:

Section 1 - Adverse Possession Based on Payment of Taxes

Present situation: Adverse possession of property requires a hostile, actual, and visible appropriation of property for a specified number of years, determined in statute.²⁰ In Florida, an intended adverse possessor must continuously occupy the land for a period of 7 years.²¹ The use of the property by the adverse possessor must be inconsistent with the use of the land by the owner.²² For example, the court upheld as an inconsistent use of property the person's alteration of land by fencing it, farming on it, and raising animals on it.²³ Adverse possession may be with or without color of title. Adverse possession without color of title occurs when a person otherwise meets the requirements of adverse possession but does so without the benefit of a written instrument, judgment, or decree.²⁴

To be valid as an adverse possession without color of title, a person must have paid all outstanding taxes and matured installments of special improvement liens levied by the government within a year after entering possession.²⁵ Taxes are payable at the end of November, but they are not delinquent until April 1 of the following year.²⁶

Proposed change: The bill requires the payment of all "delinquent" taxes instead of all "outstanding" taxes on a parcel of real property as a condition of establishing title by adverse possession. This change may help the title owner retain ownership of property by paying an outstanding tax bill when title to the property is being sought by an adverse possessor.

Sections 3 and 10 - Judicial Review of Property Taxes

Present situation: A taxpayer or a property appraiser may appeal a decision of the value adjustment board (VAB) to the circuit court. A petitioner must file the action within 60 days after the date the assessment is certified, or if the petitioner appeals the property appraiser's decision to the VAB, within 60 days after the VAB renders its decision.²⁷

Before a petitioner may file a legal action, the taxpayer must pay the collector the amount that the taxpayers admits to owing in good faith. Once the taxpayer has paid the requisite amount, and if the action is timely filed, no further payment of taxes is required until final disposition of the action.²⁸

²⁰ BALLENTINE'S LAW DICTIONARY (3d ed. 2010).

²¹ Sections 95.16(1) and 95.18(1), F.S.

²² 2 FLA JUR ADVERSE POSSESSION AND PRESCRIPTION s. 29.

²³ *Porter v. Lorene Inv. Co.*, 297 So.2d 622, 624-625 (Fla. 1st DCA 1974).

²⁴ Section 95.18(1), F.S.

²⁵ Section 95.18(1)(a), F.S.

²⁶ Section 197.333, F.S.

²⁷ Section 194.171(2), F.S.

²⁸ Section 194.171(3), F.S.

For a property appraiser to appeal a decision of the VAB, one of the following conditions must be present:

- The property appraiser determines and affirmatively asserts that there is a specific constitutional, statutory, or administrative rule violation;
- A variance exceeds a certain percent, based on the assessment; or
- The property appraiser asserts to the Department of Revenue that the decisions of the VAB demonstrate a consistent and continuous violation of the intent of law or administrative rules.²⁹

If the property appraiser chooses to appeal a decision of the VAB, the property appraiser must file an appeal within 30 days after the VAB completes its review of petitions and the property appraiser recertifies the tax roll.³⁰

Proposed change: The bill extends a property appraiser's time to file an appeal to 60 days from 30 days, the same number of days as that currently provided to a taxpayer. The bill also clarifies that each side has 30 days from the date of the original complaint to file a counterclaim.

Sections 4, 5, 11, 12 and 13 - Exemptions on Homestead Property

Present situation: *General Homestead Exemption* -- Every homeowner in the state qualifies for a homestead exemption on taxes. The exemption reduces by up to \$50,000 the assessed valuation on the home. To qualify, the homeowner must make the homestead a permanent residence, and may claim only one homestead.³¹ If a property appraiser determines that for any year within the last 10 years a property owner was not entitled to, but received a homestead exemption, the property appraiser will serve the owner with a notice of tax lien.³² The owner is then subject to unpaid taxes, a penalty of 50 percent of the unpaid taxes for each year, and 15 percent interest per year. However, if the grant of the exemption is due to a property appraiser's clerical mistake or omission, no penalty or interest is assessed.³³

In addition to a violation based on a person claiming homestead on more than one property in the state, a person with out-of-state residency may attempt to claim homestead on property in the state. A property appraiser must file a notice of lien on homestead property that is subject to an estate proceeding if the owner, when alive, was at the same time a permanent resident of another state.³⁴ The property appraiser must file the notice of tax lien within 3 years after the death of the person.³⁵ The estate is then subject to unpaid taxes, a penalty of 50 percent of the unpaid taxes for each year, and 15 percent interest per year. However, if the circuit court determines that the decedent was a permanent resident of this state during the time an exemption was allowed, the

²⁹ Section 194.036(1), F.S.

³⁰ Section 193.122(4), F.S.

³¹ Art. VII, Sect. 6(a) and (b), FLA. CONST.

³² Section 193.155(10), F.S.

³³ *Id.*

³⁴ Section 196.161(1)(a), F.S.

³⁵ *Id.*

property appraiser must cancel the lien.³⁶ The same notice of lien and penalties apply to a living owner who is not a permanent resident of the state.³⁷

Homestead Exemption for Living Quarters for Parents or Grandparents -- Counties may offer a discretionary exemption to homeowners providing living quarters to a parent or grandparent.³⁸ If the county decides to allow the exemption, to qualify, a homeowner must physically alter the property to provide the living quarters. Further, the parent or grandparent must be at least 62 years of age and reside on the owner's homestead as a primary place of residence.³⁹

If a property appraiser determines that for any year within the last 10 years a property owner was not entitled to, but received a homestead exemption, the property appraiser will serve the owner with a notice of tax lien. The owner is then subject to unpaid taxes, a penalty of 50 percent of the unpaid taxes for each year, and 15 percent interest per year. However, if the grant of the exemption is due to a property appraiser's clerical mistake or omission, no penalty or interest is assessed.⁴⁰

Additional Homestead Exemption for Persons 65 Years of Age and Older -- Counties may offer a discretionary exemption to homeowners who are at least 65 years of age with a household income of no more than \$20,000.⁴¹

If a property appraiser determines that for any year within the last 10 years a property owner was not entitled to, but received a homestead exemption, the property appraiser will serve the owner with a notice of tax lien. The owner is then subject to unpaid taxes, a penalty of 50 percent of the unpaid taxes for each year, and 15 percent interest per year. However, if the grant of the exemption is due to a property appraiser's clerical mistake or omission, no penalty or interest is assessed.⁴²

Additional Homestead Exemptions -- Additional homestead exemptions are available to homeowners who qualify as totally and permanently disabled veterans (s. 196.081, F.S.); disabled veterans confined to wheelchairs (s. 196.091, F.S.); totally and permanently disabled persons (s. 196.101, F.S.); deployed service members (s. 196.173, F.S.); and widows, widowers, and blind persons (s. 196.202, F.S.)

Proposed change: For the exemptions discussed above, the bill authorizes a property appraiser to waive unpaid penalties and interest otherwise owed by a property owner who received an exemption that he or she was not entitled to upon good cause, after the property appraiser determines that:

- The owner did not intend to illegally avoid the payment of unlawful taxes; and
- "There was no benefit to the property owner" from failing to pay taxes.

³⁶ *Id.*

³⁷ Section 196.161(1)(b), F.S.

³⁸ Art. VII, s. 4(f), FLA. CONST.

³⁹ Section 193.703(1) and (3), F.S.

⁴⁰ Section 193.703(7), F.S.

⁴¹ Art. VII, s. 6(d), FLA. CONST.

⁴² Section 196.075(2) and (9), F.S.

However, the intent of the provisions of the bill is not clear where it refers to a property owner who improperly receives an exemption but receives “no benefit.”

Section 6 – Joint VAB Petitions, Late-Filed Petitions

Present situation: A condominium association, cooperative association, or homeowners’ association, upon approval of its board, may file a single joint petition before the VAB on behalf of its owners.⁴³ Prior to filing a single joint petition, the association must notify the owners of its intent to petition the VAB. The association must provide unit owners at least 20 days to opt out of the petition in writing.⁴⁴

A petitioner must file his or her petition to the VAB on or before the 25th day following the Notice of Proposed Property Taxes (TRIM).⁴⁵

Proposed change: For joint petitions by an association, the bill requires that each individual unit owner opt in to the petition. If the owner does not opt-in, the association may not list the unit owner on the petition.

The bill provides that a late-filed petition to the VAB is authorized if the petitioner shows good cause, but must be filed within 30 days after the 25th day after the mailing of the “Notice of Proposed Property Taxes.”

Section 7 – Rescheduling Value Adjustment Board Hearings

Present situation: Petitioners and property appraisers are authorized to reschedule a hearing before a VAB a single time for good cause.⁴⁶ “Good cause” is defined to mean circumstances beyond the control of the person seeking to reschedule the hearing which would reasonably prevent adequate representation at the hearing.

Proposed change: The bill specifically provides that “good cause” does not include being scheduled for value adjustment board hearings in different jurisdictions at the same time or date.

Section 8 – Use of Appraisals by Special Magistrates

Present situation: In counties having a population of more than 75,000, the VAB must appoint special magistrates to take testimony and make recommendations to the VAB.⁴⁷ Some of the special magistrates are themselves appraisers, which may create an appearance of impropriety in certain cases.

Proposed change: The bill prohibits a special magistrate performing appraisals for submission to the VAB in the same tax year in which the special magistrate has serves the VAB.

⁴³ Section 194.011(3)(e), F.S. A single joint petition may be filed on any association members who own parcels of property which the property appraiser determines are substantially similar.

⁴⁴ *Id.*

⁴⁵ Section 194.011(3)(d), F.S.

⁴⁶ Section 194.032(2)(a), F.S.

⁴⁷ Section 194.035(1), F.S.

Section 9 – Assessment Limitations during the pendency of Court Proceedings

Present situation: Florida has two property assessment limitations: Save Our Homes (SOH), which applies to homestead property,⁴⁸ and the general 10-percent limitation, which applies to all other property⁴⁹. Property assessment limitations limit the annual increase in a property's assessed value for tax purposes. Stated simply, while a property's market value may increase, for example, by 15 percent in a given year, assessment limitations are used to limit the increase in the assessed value to a lesser amount for tax purposes. The SOH limits annual increases in the assessed value of homesteads to the lesser of three percent or the increase in the consumer price index (CPI), while the general 10-percent limitation limits increases in assessed value of all other property to 10 percent.

Currently, when a property owner wins a petition at the VAB, the reduction in value will consequently lower the assessment limitations in subsequent years. If the property appraiser appeals that VAB decision in court, the litigation may take years. If the property appraiser prevails in court, the assessment limitation for all of the intervening years are readjusted upwards, increasing the tax due for every intervening year; the property owner ends up owing much more than the originally contested tax amount, and the amount comes due all at once.

Proposed change: The bill provides that if the property appraiser appeals a VAB decision to court, the assessment limitation in subsequent years is based on the original assessment, until the court issues an order.

In some instances, the VAB reduces the taxable value of the property. During the pendency of the litigation, the property owner pays property taxes based on the reduced assessment. Every year after the protested year, the property taxes are calculated based on the reduced amount until resolution of the court challenge. If the property owner does not prevail, he or she must pay all of the taxes based on the original assessment. If the owner cannot pay the tax bill all at once, a lien is placed on the property (pursuant to the tax certificate process.)

By requiring a property owner to pay taxes on the higher assessment, the property owner will avoid having to make a large tax payment if the property appraiser ultimately prevails in the appeal. On the other hand, the bill forces the taxpayer to pay higher taxes even though he or she prevailed at the VAB.

Section 14 – The Assessment of Tangible Personal Property

Present situation: Property tax applies not only to real property, but also to certain categories of personal property. Florida divides personal property into four categories for tax purposes: household goods, intangible personal property, inventory, and tangible personal property.⁵⁰ Household goods, inventory, and intangible personal property are exempt from the property tax.⁵¹

⁴⁸ See s. 193.155, F.S.

⁴⁹ See ss. 193.1554 and 193.1555, F.S.

⁵⁰ Section 192.001(11), F.S.

⁵¹ See ss. 196.181 and 196.185, F.S.

Owners of taxable tangible personal property are required to file a return with the property appraiser by each April 1.⁵² A single return must be filed for each site in the county where the owner of tangible personal property transacts business.⁵³ Florida requires that a single return include all taxable property in certain instances.⁵⁴ The first \$25,000 of value included on a tangible personal property return is exempt.⁵⁵

If an owner of tangible personal property fails to file a return and the property appraiser identifies the tangible personal property and includes it on the tax roll, the property appraiser may not grant the \$25,000 exemption; however, the property appraiser has the option of granting the \$25,000 exemption in subsequent years.⁵⁶

Proposed change: The bill authorizes the property appraiser to grant the \$25,000 exemption in the first year that the tangible personal property is included on the tax roll, even if the owner does not file a return.

Section 15 – Newspaper Notices of Proposed Assessments

Present situation: A local government must hold a public hearing to adopt a non-ad valorem assessment roll if:

- The assessment is levied for the first time;
- The assessment is increased beyond the maximum rate authorized in law or judicial decree;
- The local government's boundaries have changed, unless all newly affected property owners have consented in writing to the assessment; or
- There is a change in the purpose for the assessment or the use of the revenue generated by the assessment.⁵⁷

The local government must notice the hearing at least 20 days before the hearing. Notice of hearing is effectuated through U.S. mail and by publication in a local newspaper of general circulation.⁵⁸

Proposed change: The bill authorizes a local government to satisfy the newspaper requirement by including in the mailing the name of the local government board, date and location of the hearing, and a link to a website for additional information. This will remove the cost of publication in the newspaper if the local government chooses the alternate option.

Section 16 – Truth in Millage (TRIM) Notice

Present situation: Each property appraiser submits the county's tax roll to the Department of Revenue for review by July 1 of each year for assessments as of the prior January 1.⁵⁹ In August,

⁵² Section 193.062(1), F.S.

⁵³ Section 196.183(1), F.S.

⁵⁴ See *id.*

⁵⁵ Section 196.183, F.S.

⁵⁶ Section 196.183(4), F.S.

⁵⁷ Section 197.3632(4)(a), F.S.

⁵⁸ Section 197.3632(4)(b), F.S.

⁵⁹ Section 193.1142(1), F.S.

the property appraiser sends a Truth in Millage (TRIM) notice to all taxpayers providing specific tax information about their parcel.⁶⁰

Proposed change: This bill specifies that the TRIM notice may include only statements explaining an item on the notice. This limit on TRIM mailings may save money on mailings.

Section 17 – Effective Date

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill.

B. Private Sector Impact:

In providing flexibility to the property appraiser to waive penalties and interest, a property owner who should not have claimed an exemption will benefit from a waiver.

In providing flexibility to the property appraiser to authorize the \$25,000 exemption on tangible personal property, a person who fails to file a return might still receive the exemption.

This bill requires a property owner who prevails in a challenge of an assessment at the VAB to pay taxes based on the original higher assessment if the property appraiser appeals the VAB decision. By paying taxes on the higher assessment during the appellate process, the property owner will avoid a large bill for back taxes or a potential tax lien if the property appraiser ultimately prevails. On the other hand, the property owner who prevails at the VAB and on appeal, will have been deprived of his or her funds throughout the appellate process.

⁶⁰ Section 200.069, F.S.

C. Government Sector Impact:

The Department of Revenue indicates that it does not expect an impact from the provisions of the bill.⁶¹

The property appraiser may benefit generally from having increased flexibility in waiving penalties and allowing an exemption on tangible personal property, and having the same deadlines as a taxpayer in a legal action.

A local government subject to the notice requirement for a public hearing on a non-ad valorem assessment roll may save money on publication costs.

VI. Technical Deficiencies:

In various places in the bill, a property appraiser may waive unpaid penalties and interest for a person who should not have received a property tax exemption. A waiver is based on good cause and a showing that the taxpayer did not intend to avoid paying lawful taxes or benefit from not paying enough. What is meant by ‘good cause,’ ‘intent,’ and ‘benefit’ is unclear, especially as a taxpayer would have received the benefit of an exemption that he or she was not entitled to. An amendment is recommended to define or further explain these concepts.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 95.18, 192.0105, 193.122, 193.155, 193.703, 194.011, 194.032, 194.035, 194.036, 194.171, 196.011, 196.075, 196.161, 196.183, 197.3632, and 200.069.

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.

⁶¹ Department of Revenue, *2017 Agency Legislative Bill Analysis* (Jan. 19, 2017).



241760

LEGISLATIVE ACTION

Senate

.
.
.
.
.
.

House

The Committee on Judiciary (Powell) recommended the following:

Senate Amendment (with title amendment)

Delete lines 507 - 546.

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

And the title is amended as follows:

Delete lines 36 - 39

and insert:

return; amending s. 200.069, F.S.;

By Senator Artiles

40-00338-17

2017226__

A bill to be entitled

An act relating to property taxes; amending s. 95.18, F.S.; providing that a possessor of real property for 7 years must pay all delinquent taxes prior to claiming adverse possession; amending s. 192.0105, F.S.; conforming a cross-reference; amending s. 193.122, F.S.; revising the time period that certain appeals of property assessments may be made; amending ss. 193.155, 193.703, 196.011, 196.075, and 196.161, F.S.; providing criteria under which a property appraiser may waive unpaid penalties and interest for improper nonpayment or reduction payment of ad valorem taxes by certain property owners claiming a homestead exemption; amending s. 194.011, F.S.; providing that certain unit owners must opt in, rather than opt out, of a certain joint petition before the value adjustment board; providing circumstances and timeframes under which a person may file a petition late to a value adjustment board; defining the term "good cause"; amending s. 194.032, F.S.; specifying situations under which the term "good cause" does not apply in rescheduling a hearing before a value adjustment board; amending s. 194.035, F.S.; specifying the circumstances under which a special magistrate's appraisal may not be submitted as evidence to a value adjustment board; amending s. 194.036, F.S.; specifying how an assessment limitation must be corrected in situations where a property appraiser appeals the decision of the value adjustment board; amending s. 194.171, F.S.; specifying the timeframe under which counterclaims of certain appeals of tax assessments may be made; amending s. 196.183,

Page 1 of 26

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

40-00338-17

2017226__

F.S.; revising a provision authorizing a property appraiser to exempt certain tangible personal property from ad valorem taxation without filing an initial return; amending s. 197.3632, F.S.; providing requirements for a local government's mailed notice of certain public hearings in lieu of publishing the notice in a newspaper; amending s. 200.069, F.S.; requiring property appraisers to include only certain statements in certain mailed notices; providing an effective date.

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

Section 1. Subsection (1) of section 95.18, Florida Statutes, is amended to read:

95.18 Real property actions; adverse possession without color of title.—

(1) When a ~~the~~ possessor has been in actual continued possession of real property for 7 years under a claim of title exclusive of any other right, but not founded on a written instrument, judgment, or decree, or when those under whom the possessor claims meet these criteria, the property actually possessed is held adversely if the person claiming adverse possession:

(a) Paid, subject to s. 197.3335, all delinquent ~~outstanding~~ taxes and matured installments of special improvement liens levied against the property by the state, county, and municipality within 1 year after entering into possession;

Page 2 of 26

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

40-00338-17

2017226__

(b) Made a return, as required under subsection (3), of the property by proper legal description to the property appraiser of the county where it is located within 30 days after complying with paragraph (a); and

(c) Has subsequently paid, subject to s. 197.3335, all taxes and matured installments of special improvement liens levied against the property by the state, county, and municipality for all remaining years necessary to establish a claim of adverse possession.

Section 2. Paragraph (i) of subsection (2) of section 192.0105, Florida Statutes, is amended to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. Additional rights afforded to payors of taxes and assessments imposed under the revenue laws of this state are provided in s. 213.015. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the

40-00338-17

2017226__

departmental rules include:

(2) THE RIGHT TO DUE PROCESS.—

(i) The right to bring action in circuit court to contest a tax assessment or appeal value adjustment board decisions to disapprove exemption or deny tax deferral (see ss. 194.036(1)(c) and (3) (2), 194.171, 196.151, and 197.2425).

Section 3. Subsection (4) of section 193.122, Florida Statutes, is amended to read:

193.122 Certificates of value adjustment board and property appraiser; extensions on the assessment rolls.—

(4) An appeal of a value adjustment board decision pursuant to s. 194.036(1)(a) or (b) by the property appraiser shall be filed prior to extension of the tax roll under subsection (2) or, if the roll was extended pursuant to s. 197.323, within the time period provided in s. 194.171(2) 30 days of recertification under subsection (3). The roll may be certified by the property appraiser prior to an appeal being filed pursuant to s. 194.036(1)(c), but such appeal shall be filed within 20 days after receipt of the decision of the department relative to further judicial proceedings.

Section 4. Subsection (10) of section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(10) (a) If the property appraiser determines that for any

40-00338-17

2017226__

year or years within the prior 10 years a person who was not entitled to the homestead property assessment limitation granted under this section was granted the homestead property assessment limitation, the property appraiser making such determination shall serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property must be identified in the notice of tax lien. Such property that is situated in this state is subject to the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. However, when a person entitled to exemption pursuant to s. 196.031 inadvertently receives the limitation pursuant to this section following a change of ownership, the assessment of such property must be corrected as provided in paragraph (9)(a), and the person need not pay the unpaid taxes, penalties, or interest. The property appraiser may waive the unpaid penalties and interest upon good cause shown and after determining that:

1. There was no intent to illegally avoid the payment of lawful taxes.

2. There was no benefit to the property owner.

(b) If the property appraiser improperly grants the property assessment limitation as a result of a clerical mistake or an omission, the person or entity improperly receiving the property assessment limitation may not be assessed a penalty or interest.

(c) Before a lien may be filed, the person or entity so notified must be given 30 days to pay the taxes and any applicable penalties and interest. If the property appraiser

40-00338-17

2017226__

~~improperly grants the property assessment limitation as a result of a clerical mistake or an omission, the person or entity improperly receiving the property assessment limitation may not be assessed a penalty or interest.~~

Section 5. Subsection (7) of section 193.703, Florida Statutes, is amended to read:

193.703 Reduction in assessment for living quarters of parents or grandparents.—

(7)(a) If the property appraiser determines that for any year within the previous 10 years a property owner who was not entitled to a reduction in assessed value under this section was granted such reduction, the property appraiser shall serve on the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property that is owned by that person and is situated in this state is subject to the taxes exempted by the improper reduction, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. The property appraiser may waive the unpaid penalties and interest upon good cause shown and after determining that:

1. There was no intent to illegally avoid the payment of lawful taxes.

2. There was no benefit to the property owner.

(b) However, if a reduction is improperly granted due to a clerical mistake or an omission by the property appraiser, the person who improperly received the reduction may not be assessed a penalty or interest.

40-00338-17

2017226__

178 (c) Before such lien may be filed, the owner must be given
 179 30 days within which to pay the taxes, penalties, and interest.
 180 Such lien is subject to s. 196.161(3).
 181 Section 6. Paragraph (e) of subsection (3) of section
 182 194.011, Florida Statutes, is amended, present paragraph (h) of
 183 that subsection is redesignated as paragraph (i), and a new
 184 paragraph (h) is added to that subsection, to read:
 185 194.011 Assessment notice; objections to assessments.—
 186 (3) A petition to the value adjustment board must be in
 187 substantially the form prescribed by the department.
 188 Notwithstanding s. 195.022, a county officer may not refuse to
 189 accept a form provided by the department for this purpose if the
 190 taxpayer chooses to use it. A petition to the value adjustment
 191 board must be signed by the taxpayer or be accompanied at the
 192 time of filing by the taxpayer's written authorization or power
 193 of attorney, unless the person filing the petition is listed in
 194 s. 194.034(1)(a). A person listed in s. 194.034(1)(a) may file a
 195 petition with a value adjustment board without the taxpayer's
 196 signature or written authorization by certifying under penalty
 197 of perjury that he or she has authorization to file the petition
 198 on behalf of the taxpayer. If a taxpayer notifies the value
 199 adjustment board that a petition has been filed for the
 200 taxpayer's property without his or her consent, the value
 201 adjustment board may require the person filing the petition to
 202 provide written authorization from the taxpayer authorizing the
 203 person to proceed with the appeal before a hearing is held. If
 204 the value adjustment board finds that a person listed in s.
 205 194.034(1)(a) willfully and knowingly filed a petition that was
 206 not authorized by the taxpayer, the value adjustment board shall

Page 7 of 26

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

40-00338-17

2017226__

207 require such person to provide the taxpayer's written
 208 authorization for representation to the value adjustment board
 209 clerk before any petition filed by that person is heard, for 1
 210 year after imposition of such requirement by the value
 211 adjustment board. A power of attorney or written authorization
 212 is valid for 1 assessment year, and a new power of attorney or
 213 written authorization by the taxpayer is required for each
 214 subsequent assessment year. A petition shall also describe the
 215 property by parcel number and shall be filed as follows:

216 (e) A condominium association, cooperative association, or
 217 any homeowners' association as defined in s. 723.075, with
 218 approval of its board of administration or directors, may file
 219 with the value adjustment board a single joint petition on
 220 behalf of any association members who own parcels of property
 221 which the property appraiser determines are substantially
 222 similar with respect to location, proximity to amenities, number
 223 of rooms, living area, and condition. The condominium
 224 association, cooperative association, or homeowners' association
 225 as defined in s. 723.075 shall provide the unit owners with
 226 notice of its intent to petition the value adjustment board and
 227 shall provide at least 20 days for a unit owner to elect, in
 228 writing, that his or her unit ~~not~~ be included in the petition.

229 (h) For good cause shown, a person may file a petition late
 230 if the county has voted favorably to extend the roll under s.
 231 197.323(1). As used in this paragraph, "good cause" means
 232 circumstances beyond the control of the person seeking to file
 233 the petition late. Late filed petitions must be filed within 30
 234 days after the 25th day following the mailing of the notice by
 235 the property appraiser.

Page 8 of 26

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

40-00338-17

2017226__

Section 7. Paragraph (a) of subsection (2) of section 194.032, Florida Statutes, is amended to read:

194.032 Hearing purposes; timetable.—

(2) (a) The clerk of the governing body of the county shall prepare a schedule of appearances before the board based on petitions timely filed with him or her. The clerk shall notify each petitioner of the scheduled time of his or her appearance at least 25 calendar days before the day of the scheduled appearance. The notice must indicate whether the petition has been scheduled to be heard at a particular time or during a block of time. If the petition has been scheduled to be heard within a block of time, the beginning and ending of that block of time must be indicated on the notice; however, as provided in paragraph (b), a petitioner may not be required to wait for more than a reasonable time, not to exceed 2 hours, after the beginning of the block of time. The property appraiser must provide a copy of the property record card containing information relevant to the computation of the current assessment, with confidential information redacted, to the petitioner upon receipt of the petition from the clerk regardless of whether the petitioner initiates evidence exchange, unless the property record card is available online from the property appraiser, in which case the property appraiser must notify the petitioner that the property record card is available online. The petitioner and the property appraiser may each reschedule the hearing a single time for good cause. As used in this paragraph, the term "good cause" means circumstances beyond the control of the person seeking to reschedule the hearing which reasonably prevent the party from

40-00338-17

2017226__

having adequate representation at the hearing. Good cause does not include being scheduled in different jurisdictions at the same time or date. If the hearing is rescheduled by the petitioner or the property appraiser, the clerk shall notify the petitioner of the rescheduled time of his or her appearance at least 15 calendar days before the day of the rescheduled appearance, unless this notice is waived by both parties.

Section 8. Subsection (1) of section 194.035, Florida Statutes, is amended to read:

194.035 Special magistrates; property evaluators.—

(1) In counties having a population of more than 75,000, the board shall appoint special magistrates for the purpose of taking testimony and making recommendations to the board, which recommendations the board may act upon without further hearing. These special magistrates may not be elected or appointed officials or employees of the county but shall be selected from a list of those qualified individuals who are willing to serve as special magistrates. Employees and elected or appointed officials of a taxing jurisdiction or of the state may not serve as special magistrates. The clerk of the board shall annually notify such individuals or their professional associations to make known to them that opportunities to serve as special magistrates exist. The Department of Revenue shall provide a list of qualified special magistrates to any county with a population of 75,000 or less. Subject to appropriation, the department shall reimburse counties with a population of 75,000 or less for payments made to special magistrates appointed for the purpose of taking testimony and making recommendations to the value adjustment board pursuant to this section. The

40-00338-17

2017226__

294 department shall establish a reasonable range for payments per
 295 case to special magistrates based on such payments in other
 296 counties. Requests for reimbursement of payments outside this
 297 range shall be justified by the county. If the total of all
 298 requests for reimbursement in any year exceeds the amount
 299 available pursuant to this section, payments to all counties
 300 shall be prorated accordingly. If a county having a population
 301 less than 75,000 does not appoint a special magistrate to hear
 302 each petition, the person or persons designated to hear
 303 petitions before the value adjustment board or the attorney
 304 appointed to advise the value adjustment board shall attend the
 305 training provided pursuant to subsection (3), regardless of
 306 whether the person would otherwise be required to attend, but
 307 shall not be required to pay the tuition fee specified in
 308 subsection (3). A special magistrate appointed to hear issues of
 309 exemptions, classifications, and determinations that a change of
 310 ownership, a change of ownership or control, or a qualifying
 311 improvement has occurred shall be a member of The Florida Bar
 312 with no less than 5 years' experience in the area of ad valorem
 313 taxation. A special magistrate appointed to hear issues
 314 regarding the valuation of real estate shall be a state
 315 certified real estate appraiser with not less than 5 years'
 316 experience in real property valuation. A special magistrate
 317 appointed to hear issues regarding the valuation of tangible
 318 personal property shall be a designated member of a nationally
 319 recognized appraiser's organization with not less than 5 years'
 320 experience in tangible personal property valuation. A special
 321 magistrate need not be a resident of the county in which he or
 322 she serves. A special magistrate may not represent a person

Page 11 of 26

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

40-00338-17

2017226__

323 before the board in any tax year during which he or she has
 324 served that board as a special magistrate. An appraisal
 325 performed by a special magistrate may not be submitted as
 326 evidence to the value adjustment board in any tax year during
 327 which he or she has served that board as a special magistrate.
 328 Before appointing a special magistrate, a value adjustment board
 329 shall verify the special magistrate's qualifications. The value
 330 adjustment board shall ensure that the selection of special
 331 magistrates is based solely upon the experience and
 332 qualifications of the special magistrate and is not influenced
 333 by the property appraiser. The special magistrate shall
 334 accurately and completely preserve all testimony and, in making
 335 recommendations to the value adjustment board, shall include
 336 proposed findings of fact, conclusions of law, and reasons for
 337 upholding or overturning the determination of the property
 338 appraiser. The expense of hearings before magistrates and any
 339 compensation of special magistrates shall be borne three-fifths
 340 by the board of county commissioners and two-fifths by the
 341 school board. When appointing special magistrates or when
 342 scheduling special magistrates for specific hearings, the board,
 343 the board attorney, and the board clerk may not consider the
 344 dollar amount or percentage of any assessment reductions
 345 recommended by any special magistrate in the current year or in
 346 any previous year.

347 Section 9. Present subsections (2) and (3) of section
 348 194.036, Florida Statutes, are renumbered as subsections (3) and
 349 (4), respectively, and a new subsection (2) is added to that
 350 section, to read:

351 194.036 Appeals.—Appeals of the decisions of the board

Page 12 of 26

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

40-00338-17

2017226__

shall be as follows:

(2) If the property appraiser appeals the decision of the board as set forth in subsection (1), the assessment limitation in the following year may not be based on the decision by the value adjustment board but shall be the initial assessment. Once the court issues its order, the assessment limitation must be recalculated and corrected as set forth in the court order for all subsequent years.

Section 10. Subsection (2) of section 194.171, Florida Statutes, is amended to read:

194.171 Circuit court to have original jurisdiction in tax cases.—

(2) No action shall be brought to contest a tax assessment after 60 days from the date the assessment being contested is certified for collection under s. 193.122(2), or after 60 days from the date a decision is rendered concerning such assessment by the value adjustment board if a petition contesting the assessment had not received final action by the value adjustment board prior to extension of the roll under s. 197.323. If an appeal is filed under this section, each party has 30 days from the date of the original complaint to file a counterclaim.

Section 11. Paragraph (a) of subsection (9) of section 196.011, Florida Statutes, is amended to read:

196.011 Annual application required for exemption.—

(9)(a) A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for exemption of property within the county after an initial application is made and the exemption granted. The waiver under

40-00338-17

2017226__

this subsection of the annual application or statement requirement applies to all exemptions under this chapter except the exemption under s. 196.1995. Notwithstanding such waiver, refiling of an application or statement shall be required when any property granted an exemption is sold or otherwise disposed of, when the ownership changes in any manner, when the applicant for homestead exemption ceases to use the property as his or her homestead, or when the status of the owner changes so as to change the exempt status of the property. In its deliberations on whether to waive the annual application or statement requirement, the governing body shall consider the possibility of fraudulent exemption claims which may occur due to the waiver of the annual application requirement. The owner of any property granted an exemption who is not required to file an annual application or statement shall notify the property appraiser promptly whenever the use of the property or the status or condition of the owner changes so as to change the exempt status of the property. If any property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner was not entitled to receive such exemption, the owner of the property is subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes exempted. Except for homestead exemptions controlled by s. 196.161, the property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. Such property is subject to the payment of all taxes

40-00338-17

2017226__

and penalties. Such lien when filed shall attach to any property, identified in the notice of tax lien, owned by the person who illegally or improperly received the exemption. If such person no longer owns property in that county but owns property in some other county or counties in the state, the property appraiser shall record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it shall become a lien against such property in such county or counties. The property appraiser may waive the unpaid penalties and interest upon good cause shown and after determining that:

1. There was no intent to illegally avoid the payment of lawful taxes.

2. There was no benefit to the property owner.

Section 12. Subsection (9) of section 196.075, Florida Statutes, is amended to read:

196.075 Additional homestead exemption for persons 65 and older.—

(9) (a) If the property appraiser determines that for any year within the immediately previous 10 years a person who was not entitled to the additional homestead exemption under this section was granted such an exemption, the property appraiser shall serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property that is owned by the taxpayer and is situated in this state is subject to the taxes exempted by the improper homestead exemption, plus a penalty of 50 percent of the unpaid taxes for

40-00338-17

2017226__

each year and interest at a rate of 15 percent per annum. The property appraiser may waive the unpaid penalties and interest upon good cause shown and after determining that:

1. There was no intent to illegally avoid the payment of lawful taxes.

2. There was no benefit to the property owner.

(b) However, if such an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the person who improperly received the exemption may not be assessed a penalty and interest.

(c) Before any such lien may be filed, the owner must be given 30 days within which to pay the taxes, penalties, and interest. Such a lien is subject to the procedures and provisions set forth in s. 196.161(3).

Section 13. Subsection (1) of section 196.161, Florida Statutes, is amended to read:

196.161 Homestead exemptions; lien imposed on property of person claiming exemption although not a permanent resident.—

(1) (a) When the estate of any person is being probated or administered in another state under an allegation that such person was a resident of that state and the estate of such person contains real property situate in this state upon which homestead exemption has been allowed pursuant to s. 196.031 for any year or years within 10 years immediately prior to the death of the deceased, then within 3 years after the death of such person the property appraiser of the county where the real property is located shall, upon knowledge of such fact, record a notice of tax lien against the property among the public records of that county, and the property shall be subject to the payment

40-00338-17 2017226__

468 of all taxes exempt thereunder, a penalty of 50 percent of the
 469 unpaid taxes for each year, plus 15 percent interest per year,
 470 unless the circuit court having jurisdiction over the ancillary
 471 administration in this state determines that the decedent was a
 472 permanent resident of this state during the year or years an
 473 exemption was allowed, whereupon the lien shall not be filed or,
 474 if filed, shall be canceled of record by the property appraiser
 475 of the county where the real estate is located.

476 (b) In addition, upon determination by the property
 477 appraiser that for any year or years within the prior 10 years a
 478 person who was not entitled to a homestead exemption was granted
 479 a homestead exemption from ad valorem taxes, it shall be the
 480 duty of the property appraiser making such determination to
 481 serve upon the owner a notice of intent to record in the public
 482 records of the county a notice of tax lien against any property
 483 owned by that person in the county, and such property shall be
 484 identified in the notice of tax lien. Such property which is
 485 situated in this state shall be subject to the taxes exempted
 486 thereby, plus a penalty of 50 percent of the unpaid taxes for
 487 each year and 15 percent interest per annum. The property
 488 appraiser may waive the unpaid penalties and interest upon good
 489 cause shown and after determining that:

490 1. There was no intent by the property owner to illegally
 491 avoid the payment of lawful taxes.

492 2. There was no benefit to the property owner.

493 (c) However, if a homestead exemption is improperly granted
 494 as a result of a clerical mistake or an omission by the property
 495 appraiser, the person improperly receiving the exemption may
 496 ~~shall~~ not be assessed penalty and interest.

40-00338-17 2017226__

497 (d) Before any such lien may be filed, the owner so
 498 notified must be given 30 days to pay the taxes, penalties, and
 499 interest.

500 Section 14. Subsection (4) of section 196.183, Florida
 501 Statutes, is amended to read:

502 196.183 Exemption for tangible personal property.—

503 (4) Owners of property ~~previously~~ assessed by the property
 504 appraiser without a return being filed may, at the option of the
 505 property appraiser, qualify for the exemption under this section
 506 without filing an initial return.

507 Section 15. Paragraph (b) of subsection (4) of section
 508 197.3632, Florida Statutes, is amended to read:

509 197.3632 Uniform method for the levy, collection, and
 510 enforcement of non-ad valorem assessments.—

511 (4)

512 (b) At least 20 days prior to the public hearing, the local
 513 government shall notice the hearing by first-class United States
 514 mail and by publication in a newspaper generally circulated
 515 within each county contained in the boundaries of the local
 516 government. The notice by mail shall be sent to each person
 517 owning property subject to the assessment and shall include the
 518 following information: the purpose of the assessment; the total
 519 amount to be levied against each parcel; the unit of measurement
 520 to be applied against each parcel to determine the assessment;
 521 the number of such units contained within each parcel; the total
 522 revenue the local government will collect by the assessment; a
 523 statement that failure to pay the assessment will cause a tax
 524 certificate to be issued against the property which may result
 525 in a loss of title; a statement that all affected property

40-00338-17

2017226__

owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing. However, notice by mail shall not be required if notice by mail is otherwise required by general or special law governing a taxing authority and such notice is served at least 30 days prior to the authority's public hearing on adoption of a new or amended non-ad valorem assessment roll. The published notice shall contain at least the following information: the name of the local governing board; a geographic depiction of the property subject to the assessment; the proposed schedule of the assessment; the fact that the assessment will be collected by the tax collector; and a statement that all affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of the notice. In lieu of publishing notice in a newspaper, the local government may include, in the notice by mail, the name of the local government board, the date and location of the public hearing, and an easily accessible website address that contains the additional information otherwise required to be given in the notice by mail.

Section 16. Section 200.069, Florida Statutes, is amended to read:

200.069 Notice of proposed property taxes and non-ad valorem assessments.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities and local governing boards levying non-ad valorem assessments within his or her jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be

40-00338-17

2017226__

listed on the current year's assessment roll a notice of proposed property taxes, which notice shall contain the elements and use the format provided in the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided herein. The Department of Revenue may adjust the spacing and placement on the form of the elements listed in this section as it considers necessary based on changes in conditions necessitated by various taxing authorities. If the elements are in the order listed, the placement of the listed columns may be varied at the discretion and expense of the property appraiser, and the property appraiser may use printing technology and devices to complete the form, the spacing, and the placement of the information in the columns. In addition, the property appraiser may only include in the mailing of the notice of ad valorem taxes and non-ad valorem assessments additional statements explaining any item on the notice. A county officer may use a form other than that provided by the department for purposes of this part, but only if his or her office pays the related expenses and he or she obtains prior written permission from the executive director of the department; however, a county officer may not use a form the substantive content of which is at variance with the form prescribed by the department. The county officer may continue to use such an approved form until the law that specifies the form is amended or repealed or until the officer receives written disapproval from the executive director.

(1) The first page of the notice shall read:

NOTICE OF PROPOSED PROPERTY TAXES

DO NOT PAY—THIS IS NOT A BILL

40-00338-17

2017226__

584 The taxing authorities which levy property taxes against
 585 your property will soon hold PUBLIC HEARINGS to adopt budgets
 586 and tax rates for the next year.

587 The purpose of these PUBLIC HEARINGS is to receive opinions
 588 from the general public and to answer questions on the proposed
 589 tax change and budget PRIOR TO TAKING FINAL ACTION.

590 Each taxing authority may AMEND OR ALTER its proposals at
 591 the hearing.

592 (2) (a) The notice shall include a brief legal description
 593 of the property, the name and mailing address of the owner of
 594 record, and the tax information applicable to the specific
 595 parcel in question. The information shall be in columnar form.
 596 There shall be seven column headings which shall read: "Taxing
 597 Authority," "Your Property Taxes Last Year," "Last Year's
 598 Adjusted Tax Rate (Millage)," "Your Taxes This Year IF NO Budget
 599 Change Is Adopted," "Tax Rate This Year IF PROPOSED Budget Is
 600 Adopted (Millage)," "Your Taxes This Year IF PROPOSED Budget
 601 Change Is Adopted," and "A Public Hearing on the Proposed Taxes
 602 and Budget Will Be Held:."

603 (b) As used in this section, the term "last year's adjusted
 604 tax rate" means the rolled-back rate calculated pursuant to s.
 605 200.065(1).

606 (3) There shall be under each column heading an entry for
 607 the county; the school district levy required pursuant to s.
 608 1011.60(6); other operating school levies; the municipality or
 609 municipal service taxing unit or units in which the parcel lies,
 610 if any; the water management district levying pursuant to s.
 611 373.503; the independent special districts in which the parcel
 612 lies, if any; and for all voted levies for debt service

40-00338-17

2017226__

613 applicable to the parcel, if any.

614 (4) For each entry listed in subsection (3), there shall
 615 appear on the notice the following:

616 (a) In the first column, a brief, commonly used name for
 617 the taxing authority or its governing body. The entry in the
 618 first column for the levy required pursuant to s. 1011.60(6)
 619 shall be "By State Law." The entry for other operating school
 620 district levies shall be "By Local Board." Both school levy
 621 entries shall be indented and preceded by the notation "Public
 622 Schools:". For each voted levy for debt service, the entry shall
 623 be "Voter Approved Debt Payments."

624 (b) In the second column, the gross amount of ad valorem
 625 taxes levied against the parcel in the previous year. If the
 626 parcel did not exist in the previous year, the second column
 627 shall be blank.

628 (c) In the third column, last year's adjusted tax rate or,
 629 in the case of voted levies for debt service, the tax rate
 630 previously authorized by referendum.

631 (d) In the fourth column, the gross amount of ad valorem
 632 taxes which will apply to the parcel in the current year if each
 633 taxing authority levies last year's adjusted tax rate or, in the
 634 case of voted levies for debt service, the amount previously
 635 authorized by referendum.

636 (e) In the fifth column, the tax rate that each taxing
 637 authority must levy against the parcel to fund the proposed
 638 budget or, in the case of voted levies for debt service, the tax
 639 rate previously authorized by referendum.

640 (f) In the sixth column, the gross amount of ad valorem
 641 taxes that must be levied in the current year if the proposed

40-00338-17 2017226__

642 budget is adopted.

643 (g) In the seventh column, the date, the time, and a brief

644 description of the location of the public hearing required

645 pursuant to s. 200.065(2)(c).

646 (5) Following the entries for each taxing authority, a

647 final entry shall show: in the first column, the words "Total

648 Property Taxes:" and in the second, fourth, and sixth columns,

649 the sum of the entries for each of the individual taxing

650 authorities. The second, fourth, and sixth columns shall,

651 immediately below said entries, be labeled Column 1, Column 2,

652 and Column 3, respectively. Below these labels shall appear, in

653 boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

654 (6) (a) The second page of the notice shall state the

655 parcel's market value and for each taxing authority that levies

656 an ad valorem tax against the parcel:

657 1. The assessed value, value of exemptions, and taxable

658 value for the previous year and the current year.

659 2. Each assessment reduction and exemption applicable to

660 the property, including the value of the assessment reduction or

661 exemption and tax levies to which they apply.

662 (b) The reverse side of the second page shall contain

663 definitions and explanations for the values included on the

664 front side.

665 (7) The following statement shall appear after the values

666 listed on the front of the second page:

667 If you feel that the market value of your property is

668 inaccurate or does not reflect fair market value, or if you are

669 entitled to an exemption or classification that is not reflected

670 above, contact your county property appraiser at ...(phone

40-00338-17 2017226__

671 number)... or ...(location)....

672 If the property appraiser's office is unable to resolve the

673 matter as to market value, classification, or an exemption, you

674 may file a petition for adjustment with the Value Adjustment

675 Board. Petition forms are available from the county property

676 appraiser and must be filed ON OR BEFORE ...(date)....

677 (8) The reverse side of the first page of the form shall

678 read:

679 EXPLANATION

680 *COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

681 This column shows the taxes that applied last year to your

682 property. These amounts were based on budgets adopted last year

683 and your property's previous taxable value.

684 *COLUMN 2—"YOUR TAXES IF NO BUDGET CHANGE IS ADOPTED"

685 This column shows what your taxes will be this year IF EACH

686 TAXING AUTHORITY DOES NOT CHANGE ITS PROPERTY TAX LEVY. These

687 amounts are based on last year's budgets and your current

688 assessment.

689 *COLUMN 3—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS ADOPTED"

690 This column shows what your taxes will be this year under the

691 BUDGET ACTUALLY PROPOSED by each local taxing authority. The

692 proposal is NOT final and may be amended at the public hearings

693 shown on the front side of this notice. The difference between

694 columns 2 and 3 is the tax change proposed by each local taxing

695 authority and is NOT the result of higher assessments.

696 *Note: Amounts shown on this form do NOT reflect early payment

697 discounts you may have received or may be eligible to receive.

698 (Discounts are a maximum of 4 percent of the amounts shown on

699 this form.)

40-00338-17

2017226__

(9) The bottom portion of the notice shall further read in bold, conspicuous print:

"Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district."

(10) (a) If requested by the local governing board levying non-ad valorem assessments and agreed to by the property appraiser, the notice specified in this section may contain a notice of proposed or adopted non-ad valorem assessments. If so agreed, the notice shall be titled:

NOTICE OF PROPOSED PROPERTY TAXES

AND PROPOSED OR ADOPTED

NON-AD VALOREM ASSESSMENTS

DO NOT PAY-THIS IS NOT A BILL

There must be a clear partition between the notice of proposed property taxes and the notice of proposed or adopted non-ad valorem assessments. The partition must be a bold, horizontal line approximately 1/8-inch thick. By rule, the department shall provide a format for the form of the notice of proposed or adopted non-ad valorem assessments which meets the following minimum requirements:

1. There must be subheading for columns listing the levying local governing board, with corresponding assessment rates expressed in dollars and cents per unit of assessment, and the associated assessment amount.

2. The purpose of each assessment must also be listed in the column listing the levying local governing board if the

Page 25 of 26

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

40-00338-17

2017226__

purpose is not clearly indicated by the name of the board.

3. Each non-ad valorem assessment for each levying local governing board must be listed separately.

4. If a county has too many municipal service benefit units or assessments to be listed separately, it shall combine them by function.

5. A brief statement outlining the responsibility of the tax collector and each levying local governing board as to any non-ad valorem assessment must be provided on the form, accompanied by directions as to which office to contact for particular questions or problems.

(b) If the notice includes all adopted non-ad valorem assessments, the provisions contained in subsection (9) shall not be placed on the notice.

Section 17. This act shall take effect July 1, 2017.

Page 26 of 26

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

District Office
13501 SW 128th Street
Ste 115 A
Miami, FL 33186
305- 252- 4300



Tallahassee Office
308 Senate Office Building
402 South Monroe Street
Tallahassee, FL 32399
850-487-5040

Florida Senate
Office of Senator Frank Artiles- District 40

Wednesday, February 2nd, 2017

The Honorable Greg Steube
Chairman, Committee on Judiciary
515 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: SB 226- Property Taxes

Dear Senator Steube,

I hope this correspondence finds you well.

Please have this letter serve as my formal request to have **SB 226: Property Taxes**, be heard during the next Judiciary Committee Meeting.

The purpose of this legislation is to provide that a possessor of real property for 7 years must pay all delinquent taxes prior to claiming adverse possession; providing criteria under which a property appraiser may waive unpaid penalties and interest for improper nonpayment or reduction payment of ad valorem taxes by certain property owners claiming a homestead exemption. This legislation also revises a provision authorizing a property appraiser to exempt certain tangible personal property from ad valorem taxation without filing an initial return.

Should you have any questions or concerns, please feel free to reach out to my office at any time.

Respectfully,

A handwritten signature in cursive script, appearing to read "Frank Artiles".

Senator Frank Artiles, District 40

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/7/17

Meeting Date

SB 226

Bill Number (if applicable)

Topic Property Taxes

Amendment Barcode (if applicable)

Name Eva Regueira

Job Title Director, Intergovernmental Affairs

Address 1450 NE 2nd Ave
Street

Phone 305-995-1497

Miami, FL 33132
City State Zip

Email emregueira@
dadeschools.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Miami-Dade County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 264

INTRODUCER: Judiciary Committee and Senator Artiles

SUBJECT: Self-storage

DATE: February 9, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stallard	Cibula	JU	Fav/CS
2.			RI	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 264 revises the options available to an owner of a self-storage facility for dealing with a tenant who is delinquent on rent or other expenses.

Current law permits the storage facility to sell the stored property of a delinquent tenant to recover unpaid rent and other expenses. Under the bill, these sales are expressly permitted to occur online.

Current law specifies the notice and advertising that a storage facility must undertake before it may sell a delinquent tenant's general property. However, the bill imposes an additional requirement when the property is a motor vehicle or a watercraft—a 60-day delay between the date a tenant becomes delinquent and the sale of the watercraft or motor vehicle stored by the tenant. In addition to selling a motor vehicle or watercraft, the bill expressly permits the storage facility to have it towed after the same 60-day delay. Moreover, the storage facility is not liable for the motor vehicle or watercraft after it is towed or for any damage that the item incurs after being towed. The wrecker operator that tows the item may sell it, and the storage facility might satisfy its lien from the sale.

Additionally, the bill deems a rental agreement's limit on the value of property stored in a unit to be the maximum value of the property actually stored in the unit. This provision may limit the liability of a storage facility, and avoid a dispute as to the value of the stored items, if the property is wrongfully sold.

Lastly, the bill permits a storage facility to assess a reasonable late fee for the nonpayment of rent. A reasonable late fee, as described in the bill, is \$20 or 20 percent of the monthly rent, whichever is greater. However, the late fee is permitted only if it is set forth in the rental agreement.

II. Present Situation:

The Self-storage Facility Act, codified as ss. 83.801-83.809, F.S., governs self-storage facilities in this state. The basic arrangement contemplated in the Act is a tenant¹ contracting with an owner² of a facility to store the tenant's personal property.³ In this arrangement, the storage facility faces the risk that a tenant will fail to pay rent or other expenses. However, the Act provides the facility with a degree of protection from this risk.

Self-Storage Liens

One component of this protection is a lien held by the storage facility on all tenant property placed in the facility.⁴ The lien attaches as of the date that the property is brought to the facility or as of the date the tenant takes possession of a self-contained unit.⁵

Self-Storage Facility's Recourse as to a Delinquent Tenant

While the statute does not state it expressly, the statute infers that the storage facility may take no action on the lien until the tenant breaches the rental agreement by nonpayment.⁶ When a breach of contract occurs, the storage facility may enforce the lien in two ways. First, the storage facility may deny access to the tenant's property until the tenant pays what is due.⁷ Also, the storage facility may take the first steps toward selling the tenant's property.⁸

Selling a Delinquent Tenant's Property to Enforce a Lien

Nonetheless, if the storage facility decides to pursue the sale of the tenant's property to enforce the lien, the storage facility must proceed as follows. First, the storage facility must notify the tenant that the lien must be satisfied within 14 days or the storage facility will advertise the property for sale.

After 14 days, the storage facility may advertise the sale of the property. Among other requirements, the statutes require the sale to be advertised at least once a week for two consecutive weeks in a newspaper in general circulation in the facility's area.⁹

¹ Section 83.803(4), F.S.

² See s. 83.803(3), F.S., for the broad legal definition of this term.

³ Section 83.803(1), F.S.

⁴ Section 83.805, F.S.

⁵ *Id.* It is unclear if it is the sooner of these two occurrences that triggers the attachment of the lien.

⁶ Note that taking action to enforce the lien is not the only recourse provided in the Act for a storage facility faced with a nonpaying tenant. The storage facility may also withhold the tenant's access to the property. See, s. 803.8055, F.S.

⁷ Section 83.8055, F.S.

⁸ Section 83.806, F.S.

⁹ See, s. 83.806(4)(b), F.S., regarding how sales must be advertised if there is no newspaper in the area of the storage facility.

As for the sale itself, it may not take place until 15 days after the first advertisement, and must occur in a “commercially reasonable manner.”¹⁰ But the tenant may redeem the property before the sale by paying the amount of rent due and the reasonable expenses incurred by the storage facility in advertising and arranging the sale.¹¹

Additional Contractual Terms Permitted

The terms of the business relationship between a storage facility and a tenant discussed thus far are set forth in statute. However, the Act permits tenants and storage facilities to enter into contracts containing additional terms.¹² As such, the Act provides a baseline or default set of rights and obligations to govern the storage facility-tenant relationship.

III. Effect of Proposed Changes:

Self-Storage Facility Online Lien Sale

The bill revises the options available to a self-storage facility for dealing with a tenant who is delinquent on rent or other expenses.

Current law permits the storage facility to sell the stored property of a delinquent tenant to recover unpaid rent and other expenses. Under the bill, the storage facility is expressly allowed to conduct the sale online. The current statutes do not address whether these sales may occur online.

Disposing of a Delinquent Tenant’s Motor Vehicle or Watercraft

New s. 83.806(10), F.S., sets forth two options for disposing of a motor vehicle or watercraft stored by a delinquent tenant. One option is to have the item towed, and the other option is to sell the item at auction. However, before selling the item or having it towed, the storage facility must let 60 days pass from the date the tenant became delinquent.

Towing the Motor Vehicle or Watercraft

If a storage facility chooses to have the motor vehicle or watercraft of a delinquent tenant towed, then the storage facility has no liability for the item after it is towed, or for any damage that occurs to the item after it is towed.

Under the statute governing liens by wrecker operators, after a wrecker operator attempts to give notice to the vehicle owner, insurer, and lienholders, the wrecker operator may sell the vehicle or watercraft.¹³ The proceeds of the sale must then be used to satisfy lienholders after the payment of towing, storage charges, and the costs of the sale.¹⁴ As a result, it appears that a storage facility that disposes of a vehicle by having it towed might recover its lien from the proceeds of the wrecker operator’s sale.

¹⁰ Section 83.806(5), F.S.

¹¹ See, s. 83.806(6), F.S.

¹² See, ss. 83.808(1) and 83.809(1), F.S.

¹³ Section 713.78(6), F.S.

¹⁴ *Id.*

Selling the Motor Vehicle or Watercraft

A storage facility's other option for disposing of a delinquent tenant's motor vehicle or watercraft is to sell it as it would any other item stored by a delinquent tenant.¹⁵

Self-Storage Facility Liability Limitation

The bill appears to limit a storage facility's liability for stored property that is lost, stolen, or wrongfully sold. This limitation is set forth in new s. 83.806(9), F.S., which states:

If a rental agreement contains a limit on the value of property stored in the tenant's storage space, the limit is deemed to be the maximum value of the property stored in that space.

This provision might also mitigate the risk of having to engage in costly disputes about the value of stored property if property is lost, stolen, or wrongfully sold in a lien sale.¹⁶

Late Fees for Nonpayment of Rent

The bill also permits a storage facility to charge a reasonable late fee for each rental period that a tenant does not pay rent. However, this fee may be imposed and collected only if its amount is set forth in the contract with the tenant. Also, the fee may not exceed the greater of \$20 or 20 percent of the monthly rent.¹⁷ Current law does not expressly permit or prohibit a late fee, nor does it limit the amount of the fee.

The bill takes effect July 1, 2017.

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

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁵ Recall, however, that a motor vehicle or watercraft may not be sold until 60 days from the date on which a tenant becomes delinquent, though this 60-day delay is not required before selling other property of a delinquent tenant.

¹⁶ A somewhat similar provision, contained not in statute but in a rental agreement, was upheld in *Muns v. Shugard Income Props. Fund 16 – Ltd. Pshp*, 682 So.2d 166 (Fla. 4th DCA 1996). The provision at issue in that case expressly limited liability to \$250 in the event of a wrongful foreclosure on the tenant's stored property.

¹⁷ New s. 83.808(3), F.S. The bill also provides that the late fee is not a penalty.

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

None.

B. Private Sector Impact:

The bill expressly states that lien sales by a self-storage facility may be conducted on the Internet. This could increase the use of Internet-based sales by storage facilities, and these sales would likely benefit the websites that would host these sales. Additionally, the use of Internet-based sales may increase the number of bidders on items from a delinquent tenant's storage unit and result in higher prices for items sold. As a result, there may be additional funds to pay the storage facility's lien and additional funds for the tenant.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The bill permits a storage facility to hold a lien sale online. This option, when read together with the rest of s. 83.806(4), F.S., may cause confusion. Current law states that the required advertisement for a lien sale must include the "*place . . . of the sale or other disposition.*"¹⁸ (Emphasis added). The Legislature may wish to amend the bill to clarify whether the advertisement must include the physical address of the facility and unit, the website address, or both.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 83.806 and 83.808 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 Judiciary on February 7, 2017:

The bill specified the way in which a storage facility must attempt to identify any lienholder or owner of a motor vehicle or watercraft stored by a delinquent tenant prior to selling the item. The bill also specified the way in which the storage facility must give notice of the potential sale to any identified lienholder or owner of these items. In

¹⁸ Section 83.806(4)(a)3., F.S.

contrast, the committee substitute does not specify the way in which storage facilities must perform these tasks.

B. Amendments:

None.

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



104484

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2017	.	
	.	
	.	
	.	

The Committee on Judiciary (Articles) recommended the following:

Senate Amendment (with title amendment)

Delete lines 68 - 108
and insert:
the facility or unit owner may sell the property pursuant to
this section or have the property towed. If a motor vehicle or
watercraft is towed, the facility or unit owner is not liable
for the motor vehicle or watercraft or any damage to the motor
vehicle or watercraft once a wrecker operator takes possession
of the property. The wrecker operator taking possession must
comply with all notification and sale requirements provided in



104484

12 s. 713.78.

13

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

15 And the title is amended as follows:

16 Delete lines 10 - 14

17 and insert:

18 to a lien; amending s.

By Senator Artiles

40-00405A-17

2017264__

A bill to be entitled

An act relating to self-storage; amending s. 83.806, F.S.; providing that a lien sale may be conducted on certain websites; providing that a self-storage facility owner is not required to have a license to post property for online sale; providing limits for the maximum valuation of property under certain circumstances; providing options for the disposition of motor vehicles or watercraft claimed to be subject to a lien; requiring a facility or unit owner to verify specified information before selling a motor vehicle or watercraft by public auction; requiring specified notice to lienholders and owners of motor vehicles or watercraft subject to a lien; amending s. 83.808, F.S.; authorizing an owner to impose and collect a late fee from a tenant under certain circumstances; specifying that late fees in a specified amount are deemed reasonable and do not constitute a penalty; authorizing an owner to charge the tenant certain reasonable expenses incurred in rent collection or lien enforcement; providing an effective date.

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

Section 1. Subsection (4) of section 83.806, Florida Statutes, is amended, and subsections (9) and (10) are added to that section, to read:

83.806 Enforcement of lien.—An owner's lien as provided in s. 83.805 may be satisfied as follows:

(4) After the expiration of the time given in the notice, an advertisement of the sale or other disposition shall be

Page 1 of 5

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

40-00405A-17

2017264__

published once a week for 2 consecutive weeks in a newspaper of general circulation in the area where the self-service storage facility or self-contained storage unit is located.

(a) A lien sale may be conducted on a public website that customarily conducts personal property auctions. The facility or unit owner is not required to be licensed to post property online for sale pursuant to this subsection. Inasmuch as any sale may involve property of more than one tenant, a single advertisement may be used to dispose of property at any one sale.

(b) ~~(a)~~ The advertisement shall include:

1. A brief and general description of what is believed to constitute the personal property contained in the storage unit, as provided in paragraph (2) (b).

2. The address of the self-service storage facility or the address where the self-contained storage unit is located and the name of the tenant.

3. The time, place, and manner of the sale or other disposition. The sale or other disposition shall take place not sooner than 15 days after the first publication.

(c) ~~(b)~~ If there is no newspaper of general circulation in the area where the self-service storage facility or self-contained storage unit is located, the advertisement shall be posted at least 10 days before the date of the sale or other disposition in not fewer than three conspicuous places in the neighborhood where the self-service storage facility or self-contained storage unit is located.

(9) If the rental agreement contains a limit on the value of property stored in the tenant's storage space, the limit is

Page 2 of 5

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

40-00405A-17

2017264

deemed to be the maximum value of the property stored in that space.

(10) If a lien is claimed on property that is a motor vehicle or a watercraft and rent and other charges related to the property remain unpaid or unsatisfied for 60 days after the maturity of the obligation to pay the rent and other charges, the facility or unit owner may do one of the following:

(a) The facility or unit owner may have the property towed. If a motor vehicle or watercraft is towed, the facility or unit owner is not liable for the motor vehicle or watercraft or any damages to the motor vehicle or watercraft once a wrecker operator takes possession of the property. The wrecker operator taking possession must comply with all notification and sale requirements provided in s. 713.78.

(b) The facility or unit owner may sell the motor vehicle or watercraft by public auction if a lienholder or an owner of the motor vehicle or watercraft who receives notice pursuant to this paragraph does not satisfy the lien. Before the public auction, the facility or unit owner must check the Department of Highway Safety and Motor Vehicles database to determine the existence and identity of any lienholder and the name and address of the owner of the motor vehicle or watercraft. If the vehicle or watercraft is not titled in Florida, the facility or unit owner must check the National Motor Vehicle Title Information System or an equivalent commercially available system to determine the state of registration and to determine the existence and identity of any lienholder and the name and address of the owner of the motor vehicle or watercraft. Within 10 days after receipt of such information concerning a

40-00405A-17

2017264

lienholder and the owner of such motor vehicle or watercraft, the facility or unit owner must send written notice to the lienholder and to the owner of the motor vehicle or watercraft by certified mail stating that:

1. Such motor vehicle or watercraft is being held by the facility or unit owner;

2. A lien has attached;

3. Payment must be made within 30 days after notification to satisfy the lien and take possession of the motor vehicle or watercraft; and

4. The facility or unit owner may sell the motor vehicle or watercraft by public auction if the lien is not satisfied.

(c) If an owner of the motor vehicle or watercraft identified as part of a search conducted pursuant to paragraph (b) is the same as the tenant in default who has been notified pursuant to subsection (1), the facility or unit owner may send written notice to the owner by first-class mail to satisfy the notice requirements under paragraph (b).

Section 2. Subsection (3) is added to section 83.808, Florida Statutes, to read:

83.808 Contracts.—

(3) A reasonable late fee may be imposed and collected by a facility or unit owner for each period that a tenant does not pay rent when due under the rental agreement; however, the fee may be imposed and collected only if the amount of the late fee and the conditions for imposing such fee are stated in the rental agreement or in an addendum to that agreement. For purposes of this subsection, a late fee of \$20 or 20 percent of the monthly rent, whichever is greater, is reasonable. Such late

40-00405A-17

2017264

120 fee does not constitute a penalty. In addition to the late fee,
121 any reasonable expense incurred by an owner as a result of rent
122 collection or lien enforcement may be charged to the lessee.

123 Section 3. This act shall take effect July 1, 2017.

District Office
13501 SW 128th Street
Ste 115 A
Miami, FL 33186
305- 252- 4300



Tallahassee Office
308 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399
850-487-5040

**Florida Senate
Office of Senator Frank Artiles- District 40**

Friday, January 13, 2017

The Honorable Greg Steube
Chairman, Committee on Judiciary
515 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: SB 264 – Self-Storage

Dear Chairman Steube,

I hope this correspondence finds you well.

Please have this letter serve as my formal request to have **SB 264: Self-storage** be heard during the next meeting of the Committee on Judiciary.

The purpose of this legislation is to clarify that Self Storage operators may hold their auctions online, although the sales will continue to be completed on site. Also, this legislation will allow operators to have the option of having abandoned vehicles, as well as those in default over 60 days, to be towed rather than sold via the lien process. Finally, SB 264 will make valuation of property stored contract provisions enforceable.

Should you have any questions or concerns, please feel free to reach out to my office at any time.

Respectfully,

A handwritten signature in black ink, appearing to read "Frank Artiles".

Senator Frank Artiles, District 40

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/7/2017

Meeting Date

264

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email _____

Speaking: ☒ ~~In Support~~ ☐ For ☐ Against ☒ Information

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

Representing Justice-2-Jesus

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

02/07/2017

Meeting Date

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

SB 264

Bill Number (if applicable)

Topic Self Storage Facilities

Amendment Barcode (if applicable)

Name Joseph R. Salzverg (Saul's - verg)

Job Title Attorney, Gray Robinson, P.A.

Address 301 S. Blonough St., suite 600

Phone

Street

Tallahassee

FL

32301

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Self Storage 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
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 Judiciary

BILL: SB 352

INTRODUCER: Senator Hutson

SUBJECT: Legislative Redistricting and Congressional Reapportionment

DATE: February 6, 2017

REVISED: _____

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

I. Summary:

SB 352 provides clarity to courts and candidates when redistricting challenges are unresolved and elections are approaching.

Courts are required to set immediate hearings and act expeditiously to resolve redistricting challenges for senatorial, representative, or congressional districts. Additionally, courts are encouraged to follow certain enumerated procedures to maintain public oversight when drafting a remedial redistricting plan.

If a redistricting challenge is pending 71 days before a primary election, the district boundaries in place on the 71st day before the primary election will control. If revisions are ordered after that point, the revised district boundaries will control beginning with future primary and general elections.

If congressional district boundaries are revised after noon 116 days before a primary election, then a congressional candidate must requalify in accordance with the revised districts during the qualifying period that begins 71 days before the primary election.

The bill states that its provisions do not supersede or impair the State Constitutional provisions governing the judicial review of apportionment.

II. Present Situation:

The terms “redistricting” and “reapportionment” are often used interchangeably to describe the process of drawing new congressional and state legislative district boundaries. Legislative and congressional districts are redrawn after each decennial census to accommodate population growth and shifts. Redistricting also ensures that each district contains nearly equal populations

as required by law. In Florida, redistricting recently involved the Legislature redrawing 27 congressional districts and 160 legislative districts.

At the federal level, through congressional reapportionment, the 435 seats in the United States House of Representatives are redistributed after the decennial census among the 50 states based upon their relative population changes as determined by the decennial census. Each state then determines how to draw its congressional districts. In addition to case law and federal legislation, the State Constitution and the United States Constitution provide direction on legislative redistricting and congressional reapportionment.

State Legislative Districts

The State Constitution provides the framework for establishing and validating geographical districts for state senators and representatives. In the second year after each decennial census, the Legislature is directed to apportion the state into no fewer than 30, nor more than 40 senate districts, and into no fewer than 80, nor more than 120 representative districts. The districts must consist of contiguous territory. The redistricting process must be completed in compliance with the State and United States Constitutions¹ and is subject to mandatory review by the Florida Supreme Court.

U.S. Congressional Districts

The United States Constitution provides that members of the United States House of Representatives will be apportioned among the states according to their respective numbers.² Additionally, the Constitution requires an “enumeration” or census to be made every 10 years. Surprisingly, the Constitution does not require an apportionment after a census nor does it describe a particular method for the process. The Apportionment Act of 1941 specifies the apportionment method, establishes the House membership at 435 representatives, mandates an apportionment every 10 years, and designates the administrative procedures that will be used for apportionment.³ Florida is entitled to 27 U.S. Representatives in Congress based upon the 2010 Census.^{4,5}

While the State Constitution does not contain any direction on the process for establishing congressional districts, the United States Constitution provides that “The Times, Places and

¹ FLA. CONST. art. III, s. 16. Florida currently has 40 Senate districts and 120 House of Representatives districts. The House of Representative districts are described in s. 10.12, F.S. The Senate districts described in s. 10.13, F.S., represent the districts as drawn in legislation that was later held unconstitutional and, thus, do not represent the districts as ordered by the Florida Supreme Court.

² Amendment XIV, section 2, modified Article 1, section 2, of the United States Constitution. The original language specified that the “Number of Representatives shall not exceed one for every thirty Thousand,” with each state having at least one Representative.

³ Congressional Research Service, *The U.S. House of Representatives Apportionment Formula in Theory and Practice*, (Aug. 2, 2013), available at <https://www.everycrsreport.com/reports/R41357.html>.

⁴ Directory of Representatives, United States House of Representatives, available at http://www.house.gov/representatives/#state_fl.

⁵ The single-member districts for the U.S. House of Representatives are described in s. 8.002, F.S. However, the districts described there represent the last legislation passed by the Legislature and do not contain the revisions required by the Florida Supreme Court in *The League of Women Voters of Florida, etc., v. Detzner*, Case No. SC14-1905 (2015).

Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof;”⁶

Process for Developing and Reviewing District Maps

During the regular session of the Legislature in the second year following the decennial census, the Legislature is required to adopt a joint resolution that apportions the state into Senate and House districts. Because the Legislature adopts a joint resolution, rather than passing a general bill, the measure does not require the Governor’s approval, nor is it subject to a veto. The district boundaries are subject to mandatory review by the Florida Supreme Court.

The State Constitution prescribes the process that must be followed when the Court determines that the newly created districts are valid and when they are invalid. When the Supreme Court enters a judgment that the plan is valid, the plan becomes binding upon all citizens of the state.

In contrast, the process for enacting Congressional districts differs in two ways. The districts are not established in a joint resolution, but in a general bill that is subject to a Governor’s veto. Additionally, the maps do not require mandatory review by the Florida Supreme Court.

If the Legislature Fails to Adopt an Apportionment Resolution⁷

If the Legislature adjourns without apportioning the state into the necessary districts, the Governor shall, within 30 days, issue a proclamation reconvening the Legislature in a special apportionment session. That session may not exceed 30 consecutive days. It is the Legislature’s mandatory duty to adopt a joint resolution of apportionment during that session and no other business may be transacted.⁸ If the Legislature adjourns without adopting the joint resolution of apportionment, the Attorney General must, within 5 days, petition the Florida Supreme Court to make the apportionment. The Court then has 60 days after the Attorney General’s petition is filed to file its order with the custodian of state records making the apportionment.⁹

Judicial Review and Procedure

Within 15 days after the Legislature passes a joint resolution of apportionment, the Attorney General must petition the Florida Supreme Court for a declaratory judgment that determines the validity of the apportionment. The Court is required to permit adversary interests to present their views challenging the validity of the apportionment. The Court then must enter its judgment within 30 days after the filing of the Attorney General’s petition.¹⁰ If the Court determines that the apportionment made by the Legislature is not valid, the Governor is required to reconvene the Legislature, by proclamation, within 5 days, in an extraordinary apportionment session that may not exceed 15 days. The Legislature is required to then adopt a joint resolution of apportionment that conforms to the Supreme Court’s judgment.¹¹

⁶ U.S. CONST. art. 1, s. 4.

⁷ This process only applies to the regular session in the second year after the decennial census.

⁸ FLA. CONST. art. III, s. 16(a).

⁹ FLA. CONST. art. III, s. 16(b).

¹⁰ FLA. CONST. art. III, s. 16(c).

¹¹ FLA. CONST. art. III, s. 16(d).

Within 15 days after the Legislature adjourns the extraordinary apportionment session, the Attorney General is required to petition the Florida Supreme Court and provide the apportionment resolution. The Court will then consider the validity of the resolution as though it were adopted at a regular or special apportionment session. The court will permit adversary interests to present their views and, within 30 days of the Attorney General's petition, render a judgment. If no resolution was adopted, the Attorney General must so inform the Court.¹²

If the Legislature does not adopt an apportionment resolution during the extraordinary apportionment session, or the Supreme Court declares it invalid, the Court must, within 60 days after receiving the Attorney General's petition, file an order with the custodian of state records making an apportionment.¹³

According to the Senate Reapportionment website,¹⁴ in 1972 and 2002 the process progressed smoothly from the Legislature to the Attorney General and Supreme Court without problems and was soon binding on all citizens of the state. In 1982 and 1992, the Legislature did not adopt a joint resolution initially and was reconvened by the Governor. The resulting plan progressed to the Attorney General and the Supreme Court and was declared valid.

What occurred in 2012 was quite different than previous redistricting efforts. The redistricting plans were litigated over almost 4 years through different state courts before being declared valid. A detailed discussion follows below at "2012 Apportionment and Ensuing Litigation."

Election Dates and Qualifying Periods for Nomination and Election to Office

A general election is conducted in November of each even-numbered year.¹⁵ A primary election, held for nominating a party candidate to run in the general election, is conducted 10 weeks before the general election.¹⁶ In 2016, the primary election was held on Tuesday, August 30, and the general election was held on Tuesday, November 8.

Federal Office

The Florida Election Code¹⁷ prescribes the qualifying dates for candidates seeking office. Qualifying periods for federal office differ depending upon whether it is an apportionment or non-apportionment year. In non-apportionment years, candidates seeking a congressional office must qualify between noon on the 120th day and noon on the 116th day before the primary election.¹⁸

¹² FLA. CONST. art. III, s. 16(e).

¹³ FLA. CONST. art. III, s. 16(f).

¹⁴ *Florida Constitution, Article III, Section 16*, available at <http://www.flsenate.gov/usercontent/session/redistricting/ReapportionmentProcess.pdf>.

¹⁵ Section 100.031, F.S. The statute provides that the "general election shall be held in each county on the first Tuesday after the first Monday in November . . . to choose a successor to each elective federal, state, county, and district officer whose term will expire before the next general election and . . . to fill each vacancy in elective office for the unexpired portion of the term."

¹⁶ Section 100.061, F.S.

¹⁷ The Florida Election Code is contained in chapters 97-106, F.S.

¹⁸ Section 99.061(1), F.S.

In years when the Legislature apportions the state, the qualifying period occurs 7 weeks later in the calendar year, between noon on the 71st day and no later than noon of the 67th day before the primary election.¹⁹ This later qualifying period is apparently done as an accommodation to the possibility that a protracted reapportionment session or multiple sessions might be required to sort out a final redistricting plan before it is time to qualify. The courts delayed the qualifying period in 2016 because of the apportionment litigation. The qualifying dates were Monday, June 20 – Friday, June 24, 7 weeks later than the 2014 qualifying dates that were April 28 – May 2.²⁰

State Senators and Representatives

The qualifying dates for state senator and state representative begin at noon on the 71st day before the primary election and end no later than noon of the 67th day before the primary election.²¹ The election laws do not prescribe any different qualifying dates in a year in which the Legislature apportions state Senate or House of Representatives offices.

The Fair Districts Amendments to the State Constitution

The State Constitution was amended in November 2010 to incorporate legislative standards for establishing congressional district boundaries²² and legislative district boundaries.²³ These amendments are commonly known as the Fair District Amendments. They are set forth in two tiers. In general terms, the new standards require that an apportionment plan or individual district:

- Not be drawn with the intent to favor or disfavor a political party or incumbent;
- Not be drawn to deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; and
- Consist of contiguous territory.

Unless compliance with the standards creates a conflict in complying with federal law, the districts are to be drawn as nearly equal in population as is practicable, be compact, and use existing political and geographical boundaries where feasible.

2012 Apportionment and the Ensuing Litigation

In February 2012, the Legislature established new congressional, state Senate and House districts based upon the 2010 Census. The newly drawn Congressional and state Senate districts soon met constitutional challenges and extensive litigation ensued. The House districts, however, were approved by the Supreme Court and were not further challenged in court. They stood as originally enacted. At issue in the litigation was whether the Legislature had complied with the new 2010 Fair Districts Amendments when drawing the plans. The Senate plan created one strand of cases that began in the Florida Supreme Court and then involved the Second Judicial Circuit Court of Leon County. The separate Congressional strand of cases involved those same

¹⁹ Section 99.061(9), F.S.

²⁰ 2014 *Federal Qualifying Handbook*, Florida Division of Elections, available at <http://dos.myflorida.com/media/695447/federal-qualifying-handbook-2014.pdf>.

²¹ Section 99.061(1), F.S.

²² FLA. CONST. art. III, s. 20.

²³ FLA. CONST. art. III, s. 21.

courts, in varying patterns, but with different litigants. The Florida Supreme Court issued eight separate apportionment opinions, the trial court issued additional opinions, and litigation spanned nearly 4 years in the state courts.

The litigation often proved confusing to candidates hoping to qualify and run for office because the candidates were uncertain where the district boundaries were located. Below is a brief synopsis of some of the highlights of the redistricting timeline.²⁴

Congressional Districts

2012

The Legislature passed a congressional redistricting plan that was signed by the Governor in February. The congressional reapportionment plan is not subject to mandatory Florida Supreme Court review like the House and Senate plans are. If someone wants to challenge the congressional plan, he or she must initiate a lawsuit in the Second Judicial Circuit in and for Leon County, located in Tallahassee.

2013

Issues of legislative privilege arose during discovery and the Florida Supreme Court ruled that legislators do not have an absolute privilege against discovery in those proceedings. Two additional appeals raised pretrial issues before the Supreme Court.

2014

Two separate groups of plaintiffs filed civil complaints in circuit court challenging the validity of the Congressional plan. The cases were consolidated and a 12-day bench trial began in June. In July, the Second Judicial Circuit Court declared two of the 27 congressional districts invalid and concluded that the Legislature had acted with impermissible partisan intent. The court directed the Legislature to convene and redraw the congressional districts. In August, the revised plan passed and was approved by the circuit court. The plaintiffs appealed the circuit court's approval of the revised plan. The circuit court, recognizing the late time involved, chose to require that the 2012 maps govern for the 2014 elections and any new maps control for subsequent elections. The primary election was held in August and the general election was held in November.

2015

Upon appeal in July, the Florida Supreme Court invalidated eight of the 27 congressional districts. The Court affirmed the judgment of the trial court but concluded that the trial court erred in some points. The Court relinquished the case to the trial court for 100 days and instructed the Legislature to draw another remedial map. The Legislature met in August but was unable to agree on a remedial congressional plan and adjourned without adopting one. The House and Senate submitted two separate plans to the court and the plaintiffs submitted five plans. In October, the circuit court selected one of the plaintiff's maps. In December, the Florida Supreme Court approved the trial court's decision and ordered its use for the 2016 election. That plan was used in the 2016 primary and general elections and will be used in future congressional elections until the next decennial redistricting.

²⁴ See also Redistricting Timeline, The Florida Senate, available at <http://www.flsenate.gov/Session/Redistricting/About>.

2016

The qualifying period was held in June, the primary election was held August 30, and the general election was held on November 8.

State Senate and House Districts2012

After the Legislature passed redistricting plans in February, the Florida Supreme Court issued a decision in March, based upon a facial review of the State Senate and State House districts, and declared that all 120 House districts were valid and that 32 of the 40 Senate districts were valid. The Court determined that eight districts did not comply with the Fair Districts standards. This Supreme Court review is mandated in the State Constitution. The Legislature then met in an extraordinary apportionment session in March and passed a revised Senate plan. In April, the Florida Supreme Court declared the revised Senate plan valid, based upon a facial review conducted on a limited record.

Candidates qualified for office between June 4 and 8. The primary election was held on August 14 and the general election on November 6.

In September, however, a group of 10 plaintiffs filed a lawsuit in the Second Judicial Circuit of Leon County challenging the constitutionality of the Senate plan. The Legislature petitioned the Florida Supreme Court and argued that it had exclusive jurisdiction over the redistricting challenges.

2013

In July, the Florida Supreme Court rejected the Legislature's position and determined that the plaintiffs could proceed with their lawsuit challenging the validity of the 2012 Senate redistricting plan. The Court determined that the circuit court had subject matter jurisdiction over the case and permitted the litigation to continue.

2015

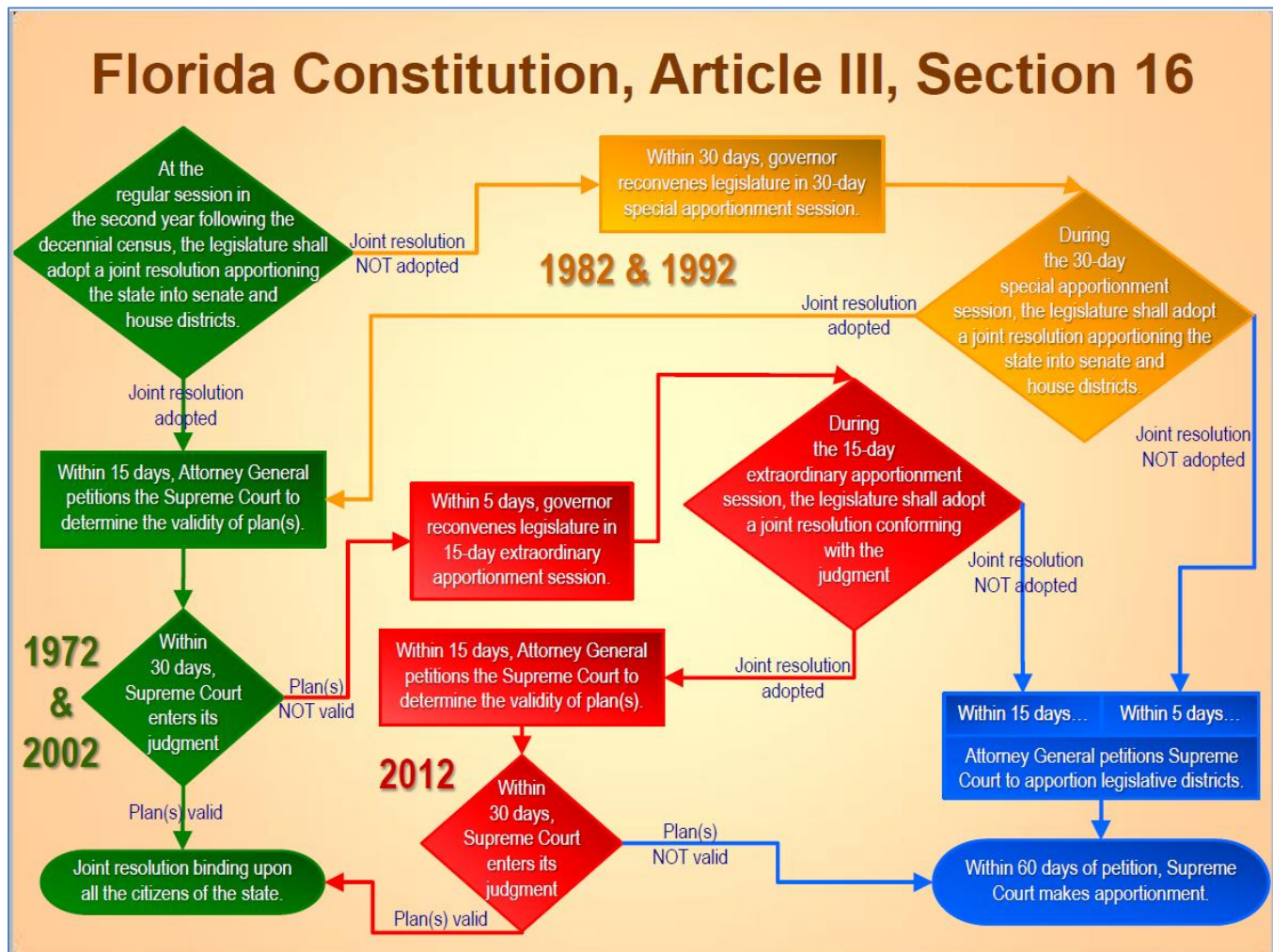
In July, the Senate entered into a Stipulation and Consent Judgment after an additional apportionment ruling was rendered by the Florida Supreme Court. The 2012 Enacted Plan was invalidated and the Legislature was given another opportunity to enact a proposed remedial plan. The Senate convened in October to redraw the Senate plan, but adjourned in November without adopting a plan. On December 30, the circuit court selected one of the Plaintiff's remedial plans and gave the Legislature 3 days to randomly renumber the districts to ensure that the longer 4-year terms in office were not unfairly distributed to the majority party.

2016

On January 5, the Legislature complied with the order from the circuit court and randomly renumbered the new Senate districts.

The qualifying period was held between June 20 and 24 for state and federal offices. The primary election was held on August 30 and the general election was held on November 8, based upon the maps that were adopted in December 2015. The maps will be used in all state senatorial elections until the next decennial redistricting.

The Senate Reapportionment Committee developed the flow chart below demonstrating the redistricting procedures outlined in the State Constitution.²⁵



III. Effect of Proposed Changes:

SB 352 provides clarity to courts and candidates when redistricting challenges are pending and an election is approaching. Courts are required to act expeditiously to resolve redistricting disputes and are encouraged to use specific procedures to draft remedial plans. The bill provides which boundaries control when a challenge is unresolved and explains when a congressional candidate needs to requalify.

²⁵ The chart is available at <http://www.flsenate.gov/usercontent/session/redistricting/ReapportionmentProcess.pdf>.

Subsection (1) – Direction to State Courts

When congressional, senatorial, or representative district boundaries are challenged in a state court, the bill requires a trial or appellate court to set an “immediate hearing”²⁶ and give the case priority over pending cases. These courts are also directed to render a decision as expeditiously as possible.

Subsection (2) – State Qualifying Periods when a Challenge is Pending

Under the bill, if a court challenge is pending when the qualifying period begins for a state or multicounty district office, then the qualifying period, primary, and general election must proceed using the boundaries of the districts that are in place 71 days before the primary election. This has the effect of assuring candidates and supervisors of elections that the legislative boundaries in place at qualifying time will be used in the primary and general elections of that year.

If a court revises the district boundaries to senatorial, representative, or congressional districts after the 71st day before a primary election, the revised district boundaries will not govern the immediate election, but will control beginning with the next primary and general elections held in the next even-numbered year. This is similar to what occurred earlier during the reapportionment litigation involving the validity of the congressional maps. In 2014, the Circuit Court of Leon County required that the 2014 congressional elections proceed under the 2012 remedial map, even though two of the 27 congressional districts had been declared invalid. The court concluded that there was not enough time to create new maps to correct the deficiencies in the remedial maps and have the elections proceed at the originally scheduled time.²⁷

Subsection (3) - Qualifying for Congressional Districts

This subsection of the bill addresses qualifying for congressional districts. As discussed above, congressional candidates currently qualify 120 – 116 days before the primary election in a non-apportionment year and 71-67 days before the primary in an apportionment year. If a court orders district boundary revisions after the qualifying period ends 116 days before the primary, then congressional candidates must requalify during the later qualifying period of 71-67 days before the primary, in accordance with the districts in place on the 71st day before the primary.

Subsection (4) – Guidelines to a Court Drafting a Remedial Map

This subsection of the bill encourages a court to follow specific procedures if it is required to draft a remedial redistricting plan after a successful challenge of senatorial, representative, or congressional districts. These items are encouraged to maintain public oversight of the court’s process. These are essentially the same items that the Court imposed on the Legislature during

²⁶ There is precedence in statute for the Legislature to direct state courts to set an “immediate hearing.” Some examples occur in s. 76.24, F.S., dissolution of an attachment; s. 77.031, F.S., dissolution of a writ of garnishment; s. 97.012, F.S., the Secretary of State bringing an action to enforce duties of certain election officials; s. 102.168, F.S., contesting an election; and s. 119.11, F.S., enforcing a public records request.

²⁷ *Romo v. Detzner*, (Trial Court Order) Nos. 2012-CA-00412 & 2012-CA-00490, Order Approving Remedial Redistricting Plan at 4 (Fla. 2d Jud. Cir. Ct. Aug. 22, 2014).

the last redistricting process. The Court also required members of the Legislature and its staff to submit to depositions and give testimony at trial. However, the bill stops short of encouraging judges to submit to similar examinations of their intent.

The court is encouraged to:

- Conduct public hearings involving proposed district configurations;
- Record and maintain minutes of meetings on the plan if the meetings are closed to the public;
- Provide a method for the public to submit and comment on additional maps;
- Offer the public an opportunity to review and comment on any map before a plan is finalized; and
- Maintain all e-mails and documents related to the creation of the remedial plan.

Subsection (5) – Clarification that Constitutional Apportionment Language is Precedent

This subsection of the bill declares that it does not supersede or impair the apportionment prescriptions of the State Constitution.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Subsection (2) of the bill establishes which district boundaries will control when a challenge is unresolved 71 days before a primary election. By providing default boundaries, the Legislature reduces the remedies that a court may choose from when trying to develop a response to an invalid plan. How a court would resolve a constitutional challenge to the provision of a plan by default is unclear, and the resolution of the challenge may depend upon the specific facts and circumstances surrounding the challenged plan.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

No agency bill analysis has been provided at this time and it would be difficult to predict how the bill would affect the costs of redistricting litigation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 97.029, Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Hutson

7-00223A-17

2017352__

A bill to be entitled

An act relating to legislative redistricting and congressional reapportionment; creating s. 97.029, F.S.; requiring a court to provide for an expedited hearing and ruling in a challenge to state legislative or congressional district boundaries; providing that candidate qualifying, nomination, and election for certain offices must proceed using current district boundaries if revisions to districts are not made as of a certain date; specifying public oversight procedures that a court is encouraged to follow when drafting a remedial redistricting plan; providing for construction; providing an effective date.

WHEREAS, uncertainty regarding the boundaries of state legislative and congressional districts can create confusion among candidates and voters, with candidates uncertain as to which districts they should run in and how they should allocate finite campaign resources, and voters uncertain as to which district they reside in or the polling place to which they are assigned, and

WHEREAS, with each redistricting of state legislative districts and each reapportionment of congressional districts, supervisors of elections are tasked with the timely and intricate process of redrawing precinct lines and reassigning voters to new polling places, and

WHEREAS, finalizing the boundaries of state legislative and congressional districts shortly before an election hampers the ability of supervisors of elections and other election officials to effectively administer an election, and

WHEREAS, in recent rulings relating to challenges to district boundaries, courts have recognized the legal and

Page 1 of 3

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

7-00223A-17

2017352__

logistical difficulties associated with implementing revised district boundaries within an abbreviated timeframe, as well as the financial cost of holding a special election to implement new districts, NOW, THEREFORE,

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

Section 1. Section 97.029, Florida Statutes, is created to read:

97.029 Challenges to state legislative or congressional districts.-

(1) If the validity of boundaries of senatorial, representative, or congressional districts of the state is challenged in state court, the court, including an appellate court, must set an immediate hearing, giving the case priority over other pending cases, and render a decision as expeditiously as possible.

(2) If the challenge is still pending when the qualifying period for persons seeking nomination or election to state or multicounty district office, other than the office of state attorney or the public defender, begins pursuant to s. 99.061(1), candidate qualifying, nomination, and election for the offices in the plan subject to the challenge must proceed using the districts that are in place on the 71st day before the primary election. If a court orders revisions to senatorial, representative, or congressional districts on or after the 71st day before the primary election, the revised districts shall govern beginning with the subsequent primary and general elections in the next even-numbered year.

Page 2 of 3

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

7-00223A-17

2017352

62 (3) If a court orders revisions to congressional districts
63 after the qualifying period for persons seeking nomination or
64 election to federal office has concluded at noon of the 116th
65 day before the primary election, candidates for the United
66 States House of Representatives must requalify in accordance
67 with the revised congressional districts during the qualifying
68 period from noon on the 71st day before the primary election to
69 noon on the 67th day before the primary election.

70 (4) In the event that a court drafts a remedial
71 redistricting plan as a result of a successful challenge to the
72 validity of boundaries of senatorial, representative, or
73 congressional districts, the court is encouraged to use the
74 following procedures in drafting the remedial plan in order to
75 maintain public oversight:

76 (a) Conduct public hearings on proposed configurations of
77 district boundaries in the remedial plan.

78 (b) Record and maintain minutes of meetings on the remedial
79 plan which are closed to the public.

80 (c) Provide a mechanism for the public to submit and
81 comment on alternative maps.

82 (d) Offer an opportunity for the public to review and
83 comment on any proposed map before the remedial plan is
84 finalized.

85 (e) Maintain all e-mails and documents related to the
86 drafting of the remedial plan.

87 (5) This section does not supersede or impair the
88 procedures governing the judicial review of apportionment as set
89 forth in s. 16, Art. III of the State Constitution.

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



The Florida Senate

Committee Agenda Request

To: Senator Greg Steube, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 26, 2017

I respectfully request that **Senate Bill #352**, relating to Legislative Redistricting and Reapportionment, be placed on the:

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

A handwritten signature in black ink, appearing to read "Travis Hutson".

Senator Travis Hutson
Florida Senate, District 7

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/07/17

Meeting Date

SB 352

Bill Number (if applicable)

T

Topic legislative redistricting

Amendment Barcode (if applicable)

Name Peter Butzin (Butseen)

Job Title _____

Address 1628 Woodgate Way

Street

Phone 850-524-9946

Tallahassee

City

FL

State

32308

Zip

Email pbutzin@gmail.com

Speaking: ☒ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

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

Representing League of Women Voters of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/7
Meeting Date

SB 352
Bill Number (if applicable)

Topic Redistricting

Amendment Barcode (if applicable)

Name Ben Wilcox

Job Title _____

Address 1719 Old Fort Dr.
Street

Phone 850-544-4448

Tallahassee FL 32301
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Common Cause FL

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)

2/7/2017
Meeting Date

352
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg
City

FL
State

33705
Zip

Email justice2jesus@yahoo.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 344

INTRODUCER: Senator Steube

SUBJECT: Regional Counsels

DATE: February 6, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Stallard	Cibula	JU	Favorable
2. _____	_____	EE	_____
3. _____	_____	RC	_____

I. Summary:

SB 344 revises the authority of the Supreme Court Judicial Nominating Commission to submit nominees to the Governor to head each Office of Criminal Conflict and Civil Regional Counsel.

As described in current law, the person who heads each of the offices is the regional counsel. Each regional counsel serves a 4-year term. And as the term draws to an end, the Supreme Court Judicial Nominating Commission must present the Governor with, “in addition to the current regional counsel,” between two and five “additional qualified candidates for appointment to each of the five regional counsel positions.”¹

Accordingly, current law requires the Commission to nominate three to six candidates for regional counsel to the Governor, including the incumbent regional counsel. However, an incumbent regional counsel might choose not to reapply. In this situation, the Governor is only presented with two to five true candidates² for the incumbent’s position.

The bill expressly requires the Commission to present the Governor with three to six nominees for each regional counsel position, regardless of whether the incumbent reapplies. However, as under current law, the incumbent regional counsel must be one of the nominees if he or she reapplies.

¹ Section 27.511(3)(a), F.S. The Governor may reject the initial set, in which case the Commission must present him or her with three new nominees. *Id.*

² “True candidate” is used throughout this analysis to describe someone who has not, by action or inaction, expressed that he or she is unwilling to serve as a regional counsel for the upcoming term.

II. Present Situation:

The Office of Criminal Conflict and Civil Regional Counsel

The Office of Criminal Conflict and Civil Regional Counsel (regional counsel's office) serves indigent clients who are entitled by law to taxpayer-funded legal representation.³ These clients may be involved in criminal or civil cases.

The Office of the Public Defender represents indigent criminal defendants initially. However, if the public defender's office determines that it cannot represent a defendant because of a conflict of interests, it must move the court to withdraw as counsel.⁴ If the court grants the motion, then the court will appoint the regional counsel's office to represent the client.⁵

The regional counsel also is responsible for representation in certain civil matters set forth in statute, including capacity and dependency proceedings. Also, the regional counsel might represent a client in any other matter in which the client is constitutionally entitled to representation.⁶

There are five regional counsel offices, one in each district of the district courts of appeal. Much like each public defender's office has one public defender and several assistant public defenders, each regional counsel's office is headed by a regional counsel and staffed by several assistant regional counsels.⁷ Each regional counsel is appointed by the Governor to a 4-year term.⁸ However, the appointments are subject to Senate confirmation. Also, the Governor must make the appointments from among the nominees given to him or her by the Supreme Court Judicial Nominating Commission, a body described later in this section.⁹

Section 27.511(3)(a), F.S., sets forth how many nominees must be (in the initial group) presented to the Governor for each regional counsel position:

The Supreme Court Judicial Nominating Commission, in addition to the current regional counsel, shall recommend to the Governor not fewer than two or more than five additional qualified candidates for appointment to each of the five regional counsel positions. The Governor shall appoint the regional counsel for the five regions from among the recommendations

A plain reading of this provision requires the Commission to recommend the current regional counsel to the Governor, regardless of whether the current regional counsel has re-applied. As

³ Section 27.511, F.S.

⁴ As a general matter, the public defender's representation of two or more clients whose interests are in conflict is unethical. As an example of a conflict of interest within the public defender's office, assume two of its clients are the only suspects in a case where there is no real dispute that the victim was murdered, and the only question is which suspect murdered the victim. Here, the defendants each have an interest in convincing the fact-finder that the other committed the murder. As such, their respective assistant public defenders would have conflicting interests.

⁵ Section 27.511(5), F.S.

⁶ Section 27.511(6)(a), F.S.

⁷ Section 27.511(4), F.S.

⁸ Section 27.511(3)(a), F.S.

⁹ *Id.*

such, if the current regional counsel does not reapply, the Governor will receive only two to five true candidates, instead of three to six true candidates. Regardless of how many true candidates are in the initial group, the Governor may reject the group if “it is in the best interest of the fair administration of justice” And if the Governor rejects the initial group, the Commission must present him or her with three new candidates.¹⁰

Upon appointment, a regional counsel serves a 4-year term. The most recent term began on October 1, 2015.¹¹ If a regional counsel is unable to complete his or her term, the Governor may immediately appoint an interim regional counsel to fill the vacancy temporarily. The interim regional counsel serves until a replacement is appointed. The replacement must be appointed by the Governor from among nominees presented by the Commission, just as when each regional counsel is appointed at the beginning of a regular 4-year term.

Judicial Nominating Commissions

The Supreme Court Judicial Nominating Commission is one of 26 judicial nominating commissions in Florida. In addition to nominating individuals to serve as regional counsel, the Commission nominates individuals to fill vacancies on the Florida Supreme Court. The other judicial nominating commissions are those of each of the five district courts of appeal and each of the twenty circuit courts.¹²

Each judicial nominating commission has nine members appointed by the Governor. All of the members must be residents of the territorial jurisdiction served by their commission. At least seven must be members of The Florida Bar engaged in the practice of law. Four of the members must be chosen from nominees—three for each position—provided to the Governor by the Board of Governors of The Florida Bar. The other five members of a judicial nominating commission are appointed by the Governor, and need not be nominated by anyone.¹³

III. Effect of Proposed Changes:

Section 27.511(3)(a), F.S., sets forth how many nominees must be (in the initial group) presented to the Governor for each regional counsel position:

The Supreme Court Judicial Nominating Commission, in addition to the current regional counsel, shall recommend to the Governor not fewer than two or more than five additional qualified candidates for appointment to each of the five regional counsel positions. The Governor shall appoint the regional counsel for the five regions from among the recommendations

Thus, the current law appears to assume that each incumbent regional counsel will reapply for his or her position. However, an incumbent might choose not to re-apply. In this case, a plain reading of the current law requires the Commission still to present the incumbent as one of the three to six initial candidates that the Governor may consider for the upcoming term. As such,

¹⁰ *Id.*

¹¹ *Id.*

¹² See, FLA. CONST. art V, s. 11.

¹³ Section 43.291(1), F.S.

when an incumbent does not reapply, the Governor is only presented with two to five true candidates for the incumbent's position.

The bill requires the Commission to provide the Governor with an initial group of three to six true candidates for each regional counsel position, regardless of whether an incumbent reapplies. And the incumbent may still be one of the candidates. However, the bill clarifies that an incumbent regional counsel must be presented as one of the candidates only if he or she reapplies.

The bill takes effect on July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

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 27.511, Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Steube

23-00408B-17

2017344__

A bill to be entitled

An act relating to regional counsels; amending s. 27.511, F.S.; clarifying the procedure for the nomination and appointment of regional counsels; specifying the number of candidates that must be nominated when a current regional counsel does not apply for reappointment; providing an effective date.

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

Section 1. Subsection (3) of section 27.511, Florida Statutes, is amended to read:

27.511 Offices of criminal conflict and civil regional counsel; legislative intent; qualifications; appointment; duties.—

(3) (a) For purposes of this subsection, the term "nominating commission" means the Florida Supreme Court Judicial Nominating Commission.

(b) The Governor shall appoint each regional counsel to a 4-year term, subject to confirmation by the Senate. In order to be eligible for appointment, a candidate must be, and must have been for the preceding 5 years, a member in good standing of The Florida Bar. The Governor shall select the initial appointees, who shall begin their 4-year terms on October 1, 2015, from a list of candidates recommended by the nominating commission. In making subsequent appointments as the terms of the members expire, the Governor shall select appointees from a list of candidates for each region submitted by the nominating commission must be, and must have been for the preceding 5 years, a member in good standing of The Florida Bar. Each regional counsel shall be appointed by the Governor and is subject to confirmation by the Senate. If a current regional

23-00408B-17

2017344__

counsel submits an application for reappointment, the Supreme Court Judicial nominating commission shall recommend to the Governor, in addition to the current regional counsel, shall recommend to the Governor not fewer than two or more than five additional qualified candidates for appointment for that region to each of the five regional counsel positions. If a current regional counsel does not seek reappointment, the nominating commission shall recommend to the Governor not fewer than three or more than six qualified candidates for appointment for that region.

(c) Notwithstanding paragraph (b), if the Governor finds that shall appoint the regional counsel for the five regions from among the recommendations, or, if it is in the best interest of the fair administration of justice, the Governor may reject the initial nominations made by the nominating commission for a region and request that the Supreme Court Judicial Nominating commission submit three new nominees for that region. The regional counsel shall be appointed to a term of 4 years, the term beginning on October 1, 2015. Vacancies shall be filled in the manner provided in paragraph (b).

(d) (b) If for any reason a regional counsel is unable to complete a full term in office, the Governor may immediately appoint an interim regional counsel who meets the qualifications to be a regional counsel to serve as regional counsel for that district until a new regional counsel is appointed in the manner provided in paragraph (b) (a). The Florida Supreme Court Judicial nominating commission shall provide the Governor with a list of nominees for appointment within 6 months after the date of the vacancy. A temporary vacancy in office does not affect

23-00408B-17

2017344__

62 the validity of any matters or activities of the office of
63 regional counsel.

64 Section 2. This act shall take effect July 1, 2017.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-7

Meeting Date

344

Bill Number (if applicable)

Topic REGIONAL COUNSELS

Amendment Barcode (if applicable)

Name JASON UNGER

Job Title CHAIRMAN, SUPREME COURT JNC

Address 301 S. BRANVUGH ST #600 Phone 577 9090

Street

City TLH

State FL

Zip 32301

Email junger@gray-robinson.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing N/A

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Rules, *Vice Chair*
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Education
Judiciary
Regulated Industries

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR PERRY E. THURSTON, JR.

Democratic Caucus Rules Chair
33rd District

February 2nd, 2017

The Honorable Greg Steube
Florida Senate
326 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Steube

I respectfully request an excused absence from Judiciary Committee meeting that is scheduled Tuesday, February 7th, 2017. Thank you for your consideration in this matter.

Respectfully,

A large, stylized handwritten signature in black ink, appearing to be "Perry E. Thurston, Jr.", written over a horizontal line.

Perry E. Thurston, Jr.
District 33

REPLY TO:

- ☐ 2151 NW 6th Street, Fort Lauderdale, Florida 33311 (954) 321-2705 FAX: (954) 321-2707
- ☐ 208 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Judiciary Committee

Judge:

Started: 2/7/2017 2:00:44 PM

Ends: 2/7/2017 2:37:00 PM **Length:** 00:36:17

2:00:44 PM Chair Steube ask for the Senate Judiciary Committee come to order and ask for Joyce to call the roll

2:00:52 PM Chair stated a quorum is present

2:00:58 PM Chair stated Senator Thurston is excused

2:01:03 PM Chair said Tab 2 - SB 226 by Sen. Artilles is Temporarily Postponed

2:01:20 PM Chair said we will take up Tab 4 - SB 352 by Senator Hutson

2:01:57 PM Senator Hutson presenting SB 352 - Legislative Redistricting and Congressional Reapportionment

2:02:04 PM Chair ask for questions Question by Senator Powell

2:02:06 PM Chair called on Senator Powell

2:02:08 PM Senator Powell asked question

2:02:21 PM Senator Hudson response

2:03:55 PM Follow-up by Senator Powell

2:04:06 PM Senator Hudson response

2:04:25 PM Follow-up by Senator Powell

2:04:33 PM Senator Hudson response

2:05:03 PM Follow-up by Senator Powell

2:05:33 PM Senator Hudson response

2:06:37 PM Follow-up by Senator Powell

2:07:21 PM Senator Hudson response

2:08:04 PM Follow-up by Senator Powell

2:08:16 PM Senator Hudson response

2:08:32 PM Chair stated are there further questions

2:08:38 PM Question by Senator Garcia

2:08:57 PM Senator Hudson response

2:09:05 PM Chair asked for appearance forms

2:09:34 PM Peter Butzin, League of Women Voters of Florida (Against) read a letter for the President of FLOW

2:12:39 PM Ben Wilcox, Waives in Opposition

2:13:01 PM Brian Pitts, Justice-2-Jesus

2:17:44 PM Chair call for debate

2:18:06 PM Comment by Senator Powell

2:19:21 PM Comment by Senator Gibson

2:20:43 PM Chair stated Senator Hutson you are recognized to close on SB 352

2:21:13 PM Chair ask Joyce to call roll on SB 352

2:21:15 PM Joyce call roll on SB 352

2:22:33 PM Chair state by your vote SB 352 reported favorably

2:22:55 PM Chair stated we will take up Tab 3 - SB 264 - Self-storage - by Senator Artilles

2:22:57 PM Senator Artilles explain SB 264

2:23:49 PM Chair state we have an Amendment Barcode 104484 by Senator Artilles

2:23:51 PM Senator Artilles explain amendment barcode 104484

2:24:17 PM Chair ask for objections there were no objections to amendment, amendment adopted

2:24:29 PM Chair ask for speaker cards
2:24:31 PM Brian Pitts, Justice-2-Jesus
2:27:24 PM Joseph Salzverg, waives in support
2:28:22 PM Chair ask is there any debate on the bill
2:28:24 PM Chair stated Senator Artiles you are recognized to close on your bill as amended
2:28:34 PM Senator Artiles closed on the bill as amended
2:28:44 PM Chair ask Joyce to call roll on CS for SB 264
2:28:48 PM Joyce call roll on CS for SB 264
2:29:13 PM Chair states by your vote, CS for SB 264 is reported Favorably
2:29:15 PM Chair states we will now take up Tab 1, SB 202 - Court Records by Senator Brandes
2:29:33 PM Senator Brandes explain SB 202
2:30:09 PM Chair as for questions
2:30:12 PM Chair ask for questions there were no questions on the bill
2:30:15 PM Chair ask for speaker cards
2:30:19 PM Jon Costello, Court House News Service waives in support
2:30:32 PM Brian Pitts, Justice-2-Jesus
2:32:28 PM Fred Baggett, Florida's Clerks of Court and Comptrollers waives in support
2:32:30 PM Chair ask is there any debate on the bill
2:32:33 PM Chair recognized Senator Brandes to close on SB 202
2:33:35 PM Senator Brandes closes on SB 202
2:33:40 PM Chair ask Joyce to call roll on SB 202
2:33:43 PM Joyce call roll on SB 202
2:34:04 PM Chair stated by your vote SB 202 is reported favorably
2:34:06 PM Chair stated he will now turn the Chair over to the Vice-Chair Benacquisto
2:34:08 PM Vice Chair stated we will now take up Tab 5 SB 344 - Regional Counsels by Senator Steube
2:34:13 PM Senator Steube explains SB 344
2:34:44 PM Vice Chair ask are there any questions on the bill
2:34:47 PM Vice Chair ask was there any appearance cards
2:35:10 PM Jason Unger, Chairman, Supreme Court JNC
2:35:44 PM Vice Chair stated, Senator Steube you are recognized to close on SB 344
2:36:10 PM Senator Steube closes on SB 344
2:36:12 PM Vice Chair ask Joyce to call roll on SB 344
2:36:15 PM Joyce call roll on SB 344
2:36:21 PM Vice Chair stated by your vote SB 344 is reported Favorably
2:36:24 PM Vice Chair turned the chair back over to the Chair
2:36:44 PM Chair stated is there any other business before the committee and final comments
2:36:48 PM Chair stated Senator Benacquisto move to adjourned without objection, this meeting is adjourned