

**Tab 1 SB 114 by Brandes; (Similar to CS/H 00211) Cosmetic Product Registration**

**Tab 2 CS/SB 362 by GO, Brandes; Agency for State Technology**

429346 A S RCS AGG, Brandes Delete L.49: 03/15 06:42 PM

**Tab 3 CS/SB 370 by MS, Stargel; (Identical to CS/H 00635) Florida Wing of the Civil Air Patrol**

803880 A S RCS AGG, Stargel btw L.140 - 141: 03/15 06:45 PM

**Tab 4 CS/SB 454 by BI, Brandes; (Similar to H 00359) Regulation of Insurance Companies**

852682 A S L RCS AGG, Brandes btw L.153 - 154: 03/15 06:46 PM

714998 A S L RCS AGG, Rodriguez Delete L.233: 03/15 06:46 PM

~~296832~~ A S L WD AGG, Brandes Delete L.288: 03/15 06:46 PM

**Tab 5 SB 7000 by CA (CO-INTRODUCERS) Perry, Campbell, Mayfield; (Compare to CS/CS/1ST ENG/H 01021) Florida Building Commission**

248858 A S RCS AGG, Campbell btw L.64 - 65: 03/15 06:48 PM

635828 A S L RCS AGG, Garcia Delete L.48: 03/15 06:48 PM

582478 A S L RCS AGG, Garcia Delete L.76: 03/15 06:48 PM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**APPROPRIATIONS SUBCOMMITTEE ON GENERAL**  
**GOVERNMENT**  
**Senator Grimsley, Chair**  
**Senator Bean, Vice Chair**

**MEETING DATE:** Wednesday, March 15, 2017  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Office Building

**MEMBERS:** Senator Grimsley, Chair; Senator Bean, Vice Chair; Senators Broxson, Campbell, Garcia, Mayfield, Rodriguez, Rouson, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 114</b> Brandes (Identical H 211)	Cosmetic Product Registration; Deleting the requirement that a person who manufactures, packages, repackages, labels, or relabels a cosmetic in this state register such cosmetic biennially with the Department of Business and Professional Regulation, etc.  RI 01/26/2017 Favorable AGG 03/15/2017 Favorable AP	Favorable Yeas 9 Nays 0
2	<b>CS/SB 362</b> Governmental Oversight and Accountability / Brandes	Agency for State Technology; Establishing within the agency a chief data officer position and the Geographic Information Office, etc.  GO 02/07/2017 Fav/CS AGG 03/15/2017 Fav/CS AP	Fav/CS Yeas 9 Nays 0
3	<b>CS/SB 370</b> Military and Veterans Affairs, Space, and Domestic Security / Stargel (Identical CS/H 635)	Florida Wing of the Civil Air Patrol; Requiring certain employers to provide Civil Air Patrol leave; prohibiting specified public and private employers from discharging, reprimanding, or penalizing a Civil Air Patrol member because of his or her absence by reason of taking Civil Air Patrol leave, etc.  MS 02/21/2017 Fav/CS AGG 03/15/2017 Fav/CS AP	Fav/CS Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on General Government  
Wednesday, March 15, 2017, 4:00—6:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>CS/SB 454</b> Banking and Insurance / Brandes (Similar H 359)	Regulation of Insurance Companies; Deleting a future repeal of an exemption of medical malpractice insurance premiums from certain emergency assessments by the State Board of Administration relating to the Florida Hurricane Catastrophe Fund; revising the allowable assets of insurers relating to specified levied assessments; providing that an electronically delivered document in an insurance policy meets formatting requirements for printed documents under certain conditions, etc.  BI 03/06/2017 Fav/CS AGG 03/15/2017 Fav/CS AP RC	Fav/CS Yeas 9 Nays 0
5	<b>SB 7000</b> Community Affairs (Identical H 901, Compare CS/S 860)	Florida Building Commission; Requiring the commission to use the 6th edition, and subsequent editions, of the Florida Building Code as the foundation for the development of and updates to the code; requiring the commission to review, rather than update, the Florida Building Code every 3 years; deleting a provision that specifies how long amendments or modifications to the foundation remain effective, etc.  AGG 03/15/2017 Fav/CS AP	Fav/CS Yeas 8 Nays 0

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Other Related Meeting Documents

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

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BILL: SB 114

INTRODUCER: Senator Brandes

SUBJECT: Cosmetic Product Registration

DATE: March 14, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>McSwain</u>	<u>RI</u>	<b>Favorable</b>
2.	<u>Davis</u>	<u>Betta</u>	<u>AGG</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 114 removes product registration filing requirements by cosmetic manufacturers for cosmetic products. The Department of Business and Professional Regulation (DBPR), Division of Drugs, Devices, and Cosmetics (division), regulates cosmetics that are manufactured and repackaged by licensed cosmetic manufacturers in Florida. Each product produced or repackaged in Florida is required to be registered with the division every two years.

The bill removes the authority of the DBPR to issue a “certificate of free sale” certifying that a cosmetic is registered with the DBPR and may be legally sold in Florida.<sup>1</sup>

For Fiscal Year 2017-2018, the DBPR estimates the bill will have a negative fiscal impact of \$226,141 on the Drugs, Devices, and Cosmetics account within the Professional Regulation Trust Fund, and an \$18,091 reduction in the service charge on trust fund revenues paid to the General Revenue Fund.

The bill appropriates \$222,564 in recurring funds from the General Revenue Fund for Fiscal Year 2017-2018 to the Division of Drugs, Devices, and Cosmetics to offset a portion of the reduced trust fund revenues.

The bill provides an effective date of July 1, 2017.

**II. Present Situation:**

**State and Federal Regulation**

Section 499.003(12), F.S., defines “cosmetic” as an article other than soap, which is either:

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<sup>1</sup> See s. 499.003(6), F.S.

- Intended to be rubbed, poured, sprinkled, or sprayed on; introduced into; or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering appearance; or
- Intended for use as a component of the article.

The regulation of cosmetics is addressed in ch. 499, F.S., which regulates drugs, devices, and cosmetics by the DBPR.<sup>2</sup> The Florida Drug and Cosmetic Act (the act)<sup>3</sup> is intended to safeguard public health and promote public welfare by protecting against injuries and merchandising deceit involving drugs, devices, and cosmetics or the use of such products. Currently, cosmetics manufactured outside of Florida are not required to be registered with the division.

Administration of the act must conform to the Federal Food, Drug, and Cosmetic Act (the federal act)<sup>4</sup> and the applicable portions of the Federal Trade Commission Act<sup>5</sup>, which prohibit the false advertising of drugs, devices, and cosmetics. According to a national trade association,<sup>6</sup> personal care products valued at \$113 billion were distributed in the United States in 2013 through wholesale trade, retail trade, and personal care services,<sup>7</sup> with nearly 130,000 industry-related jobs located in Florida (both salaried and self-employed, including part-time).<sup>8</sup>

The act authorizes the division to issue permits to Florida cosmetic manufacturers and register cosmetic products manufactured or repackaged in Florida. Cosmetic manufacturers physically located in Florida must obtain a cosmetic manufacturer permit through the division. The term “manufacture” in this context means the preparation, deriving, compounding, propagation, processing, producing, or fabrication of any cosmetic.<sup>9</sup> Cosmetic manufacturers also repackage products by changing the container, wrapper, or label of a product, which may include altering the quantity of a product into different containers. A person that only labels or changes the label of a cosmetic, but does not open the container sealed by the manufacturer of the product, is exempt from obtaining a permit.<sup>10</sup>

Florida law requires any person who manufactures, packages, repackages, labels, or relabels a cosmetic in Florida to register “each separate and distinct” cosmetic every two years.<sup>11</sup> New

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<sup>2</sup> The Drug, Device, and Cosmetic program was transferred to the Department of Business and Professional Regulation from the Department of Health effective November 1, 2012. See ch. 2012-184, Law of Fla., s. 122, at <http://laws.flrules.org/2012/184> (last visited Jan. 21, 2017) and ch. 2012-143, Laws of Fla. s. 3, at <http://laws.flrules.org/2012/143> (last visited Jan. 21, 2017).

<sup>3</sup> See ss. 499.001-499.081, F.S.

<sup>4</sup> Section 499.003(20), F.S., defines the federal act referencing 21 U.S.C. ss. 301 *et seq.* and 52 Stat. 1040 *et seq.*

<sup>5</sup> See 15 U.S.C. §§ 41-58, as amended.

<sup>6</sup> The Personal Care Products Council is a national trade association representing the global cosmetic and personal care products industry, with more than 600 member companies that manufacture, distribute, and supply personal care products marketed in the United States. See <http://www.personalcarecouncil.org/> (last visited January 21, 2017).

<sup>7</sup> See *Economic and Social Contributions of the US Personal Care Products Industry, 2013* (last visited January 21, 2017) at page 6.

<sup>8</sup> *Id.* at pages B-11 and B-12.

<sup>9</sup> Florida Department of Business and Professional Regulation, *Cosmetic Manufacturer*, accessible at <http://www.myfloridalicense.com/dbpr/ddc/CosmeticManufacturer.html> (last viewed Jan. 21, 2017).

<sup>10</sup> Section 499.01(2)(o), F.S.

<sup>11</sup> See s. 499.015, F.S., and Application for Product Registration - Cosmetics (Main & Identical), Form No.: DBPR-DDC-228 at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05666> (last visited Jan. 21, 2017).

cosmetic products must be registered prior to sale.<sup>12</sup> The biennial registration fee is \$30 for each cosmetic product and \$15 for each identical product.<sup>13</sup>

Neither a formula marketed under differing brand names, sizes, quantities, or distributions, nor the adding of color, flavor, or scents to a formula, are considered to create a separate and distinct product for registration purposes. The different variations must be listed, however, pursuant to the division's administrative rules.<sup>14</sup> The process for identical products requires submission of an application and a \$15 biennial renewal fee.<sup>15</sup> For renewal of a product registration, an applicant must submit product labels, an Application for Product Registration Renewal, and the required fee.<sup>16</sup>

Because registration is a prerequisite to sales of a cosmetic, Florida's registration system is a pre-market reporting system that is handled by the division.<sup>17</sup> This is in contrast with the system of the United States Food and Drug Administration (FDA), which is a post-market reporting system for use by manufacturers, packers, and distributors of cosmetic products that are in commercial distribution in the United States.<sup>18</sup>

Under the FDA's system, any representation in labeling or advertising that creates an impression of official approval because of registration or possession of a registration number is considered misleading. Misleading labeling makes a cosmetic misbranded, and marketing a misbranded cosmetic violates federal law.<sup>19</sup> Enforcement of the federal act is initiated by a complaint by a consumer, which may be accomplished by mail, fax, through a health provider, pharmacist, or via an online report.<sup>20</sup> The division, in a "Helpful Links and Resources" section on its website,<sup>21</sup> provides a link to the FDA website.

### **Certificates of Free Sale**

The DBPR issues certificates of free sale (COFS)<sup>22</sup> for a fee of \$25 to certify that a cosmetic that is registered with the DBPR may be legally sold in Florida. A COFS is required by many foreign countries before a product may be sent into the country. A COFS need not be obtained from the

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<sup>12</sup> See Rule 61N-1.016(2), F.A.C. for requirements imposed upon applicants.

<sup>13</sup> See Rule 61N-1.018(3)(f) and (g), F.A.C.

<sup>14</sup> See Rule 61N-1.016(1)(b), F.A.C.

<sup>15</sup> Rule 61N-1.016(2), F.A.C.

<sup>16</sup> See Rule 61N-1.016(3), F.A.C., and Form DBPR-DDC-235, at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05666> (last visited Jan. 21, 2017).

<sup>17</sup> See <http://www.myfloridalicense.com/dbpr/ddc/index.html> (last visited Jan. 21, 2017).

<sup>18</sup> See the FDA's description of its Voluntary Cosmetics Registration Program and its benefits at <http://www.fda.gov/Cosmetics/RegistrationProgram/default.htm> (last visited Jan. 21, 2017). The program does not apply to cosmetic products for professional use only, such as products used in beauty salons, spas, or skin care clinics, or to products that are not for sale, such as hotel samples, free gifts, or cosmetic products made at home and given to family and friends.

<sup>19</sup> *Id.*

<sup>20</sup> See <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm354560.htm> (last visited Jan. 21, 2017).

<sup>21</sup> See [http://www.myfloridalicense.com/dbpr/ddc/ddc\\_helpful\\_links.html](http://www.myfloridalicense.com/dbpr/ddc/ddc_helpful_links.html) (last visited Jan. 21, 2017).

<sup>22</sup> Section 499.041(7), F.S., uses the term "free-sale certificate," and imposes a fee of \$25, with \$2 for each copy obtained at the same time that the certificate is issued. See Rules 61N-1.017 and 61N-1.018(3)(g), F.A.C.

DBPR but may be obtained from the FDA<sup>23</sup> and other organizations, such as Enterprise Florida.<sup>24</sup>

### III. Effect of Proposed Changes:

The requirement that Florida cosmetic manufacturers register cosmetic products with the division is eliminated. In addition, the bill makes conforming changes by eliminating registration and renewal requirements for cosmetic products, including the requirements to submit applications, product labels, and fees to the division. Florida cosmetic manufacturers' products will be treated in a similar manner to those cosmetic products manufactured outside of Florida that are distributed and sold in the state.<sup>25</sup>

The bill also removes the authority granted to the DBPR to issue a "certificate of free sale" certifying that a cosmetic is registered with the DBPR and may be legally sold in Florida.<sup>26</sup>

The bill provides an effective date of 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:

SB 114 removes fees for cosmetic product registrations and renewals, as well as fees for the issuance of certificates of free sale for cosmetic products.

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<sup>23</sup> See [http://www.fda.gov/Cosmetics/InternationalActivities/Exporters/ucm129593.htm#Are\\_there\\_other](http://www.fda.gov/Cosmetics/InternationalActivities/Exporters/ucm129593.htm#Are_there_other) (last visited Jan. 21, 2017).

<sup>24</sup> According to the FDA, some foreign governments accept certificates issued by a state or local health department, board of trade, or trade association. Due to limited resources, the FDA recommends that firms pursue such alternative sources for export certificates whenever possible, provided they are acceptable to the country requiring a certificate. See [http://www.fda.gov/Cosmetics/InternationalActivities/Exporters/ucm129593.htm#Are\\_there\\_other](http://www.fda.gov/Cosmetics/InternationalActivities/Exporters/ucm129593.htm#Are_there_other) (last visited Jan. 21, 2017). These online sites offer certificates of free sale services: <http://icmad.org/programs/certificates-of-free-sale> (last visited Jan. 21, 2017), <http://www.personalcarecouncil.org/member-industry-resources/certificates-free-sale> (last visited Jan. 21, 2017), and <http://www.enterpriseflorida.com/wp-content/uploads/certificate-of-free-sale-request-form.pdf> (last visited Jan. 21, 2017).

<sup>25</sup> See 2017 Agency Legislative Bill Analysis (AGENCY: Department of Business and Professional Regulation) for SB 114, dated January 11, 2017 and revised January 20, 2017 (on file with Senate Committee on Regulated Industries) at page 2.

<sup>26</sup> See s. 499.003(6), F.S.

**B. Private Sector Impact:**

The bill has a positive fiscal impact for cosmetic manufacturers due to the elimination of the fees associated with product registration and renewal. The elimination of premarket registration requirements in Florida may require manufacturers, who have relied upon issuance by the DBPR for certificates of free sale, to obtain that service from third parties.

**C. Government Sector Impact:**

The DBPR estimates the bill will reduce the annual revenue to the Drugs, Devices, and Cosmetics account within the Professional Regulation Trust Fund by \$226,141<sup>27</sup> in Fiscal Year 2017-2018, \$297,973 in Fiscal Year 2018-2019, and \$393,072 in Fiscal Year 2019-2020. The revenues transferred to the General Revenue Fund, based on the service charge on trust fund revenues, will be reduced by \$18,091 in Fiscal Year 2017-2018, \$23,838 in Fiscal Year 2018-2019, and \$31,446 in Fiscal Year 2019-2020.<sup>28</sup>

The bill appropriates \$222,564 in recurring funds from the General Revenue Fund for Fiscal Year 2017-2018 to the Division of Drugs, Devices, and Cosmetics to offset a portion of the reduced trust fund revenues. The appropriation from the Professional Regulation Trust Fund is reduced by the same amount.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 499.015, 499.003, 499.041, and 499.051.

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

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

None.

<sup>27</sup> The total amount of estimated cosmetic products revenue to DBPR in Fiscal Year 2017-2018 of \$226,141 is the sum of: \$103,729 (new product registrations), \$120,396 (product registration renewals), and \$2,016, (fees for issuance of certificates of free sale (COFS)). See *2017 Agency Legislative Bill Analysis (AGENCY: Department of Business and Professional Regulation)* for SB 114, dated January 11, 2017, revised January 20, 2017 and revised March 9, 2017 (on file with Senate Appropriations Subcommittee on General Government) at page 5.

<sup>28</sup> See *2017 Agency Legislative Bill Analysis (AGENCY: Department of Business and Professional Regulation)* for SB 114, dated January 11, 2017, revised January 20, 2017, and revised March 9, 2017 (on file with Senate Appropriations Subcommittee on General Government) at page 3.



B. Amendments:

None.

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

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By Senator Brandes

24-00152-17

2017114\_\_

A bill to be entitled

An act relating to cosmetic product registration; amending s. 499.015, F.S.; deleting the requirement that a person who manufactures, packages, repackages, labels, or relabels a cosmetic in this state register such cosmetic biennially with the Department of Business and Professional Regulation; amending ss. 499.003, 499.041, and 499.051, F.S.; conforming provisions to changes made by the act; providing an appropriation; providing an effective date.

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

Section 1. Section 499.015, Florida Statutes, is amended to read:

499.015 Registration of drugs and devices, ~~and cosmetics~~; issuance of certificates of free sale.—

(1)(a) Except for those persons exempted from the definition of manufacturer in s. 499.003, any person who manufactures, packages, repackages, labels, or relabels a drug or device, ~~or cosmetic~~ in this state must register such drug or device, ~~or cosmetic~~ biennially with the department; pay a fee in accordance with the fee schedule provided by s. 499.041; and comply with this section. The registrant must list each separate and distinct drug or device, ~~or cosmetic~~ at the time of registration.

(b) The department may not register any product that does not comply with the Federal Food, Drug, and Cosmetic Act, as amended, or Title 21 C.F.R. Registration of a product by the department does not mean that the product does in fact comply with all provisions of the Federal Food, Drug, and Cosmetic Act, as amended.

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

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(2) The department may require the submission of a catalog and specimens of labels at the time of application for registration of drugs or devices, ~~and cosmetics~~ packaged and prepared in compliance with the federal act, which submission constitutes a satisfactory compliance for registration of the products. With respect to all other drugs and devices, ~~and cosmetics~~, the department may require the submission of a catalog and specimens of labels at the time of application for registration, but the registration will not become effective until the department has examined and approved the label of the drug or device, ~~or cosmetic product~~. This approval or denial must include written notification to the manufacturer.

(3) Except for those persons exempted from the definition of manufacturer in s. 499.003, a person may not sell any product that he or she has failed to register in conformity with this section. Such failure to register subjects such drug or device, ~~or cosmetic product~~ to seizure and condemnation as provided in s. 499.062, and subjects such person to the penalties and remedies provided in this part.

(4) Unless a registration is renewed, it expires 2 years after the last day of the month in which it was issued. Any product registration issued or renewed on or after July 1, 2016, shall expire on the same date as the manufacturer or repackager permit of the person seeking to register the product. If the first product registration issued to a person on or after July 1, 2016, expires less than 366 days after issuance, the fee for product registration shall be \$15. If the first product registration issued to a person on or after July 1, 2016, expires more than 365 days after issuance, the fee for product

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

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62 registration shall be \$30. The department may issue a stop-sale  
63 notice or order against a person that is subject to the  
64 requirements of this section and that fails to comply with this  
65 section within 31 days after the date the registration expires.  
66 The notice or order shall prohibit such person from selling or  
67 causing to be sold any drugs or devices, ~~or cosmetics~~ covered  
68 by this part until he or she complies with the requirements of  
69 this section.

70 (5) A product regulated under this section which is not  
71 included in the biennial registration may not be sold until it  
72 is registered and complies with this section.

73 (6) The department may issue a certificate of free sale for  
74 any product that is required to be registered under this part.

75 (7) A product registration is valid only for the company  
76 named on the registration and located at the address on the  
77 registration. A person whose product is registered by the  
78 department under this section must notify the department before  
79 any change in the name or address of the establishment to which  
80 the product is registered. If a person whose product is  
81 registered ceases conducting business, the person must notify  
82 the department before closing the business.

83 (8) Notwithstanding any requirements set forth in this  
84 part, a manufacturer of medical devices that is registered with  
85 the federal Food and Drug Administration is exempt from this  
86 section and s. 499.041(6) if:

87 (a) The manufacturer's medical devices are approved for  
88 marketing by, or listed with the federal Food and Drug  
89 Administration in accordance with federal law for commercial  
90 distribution; or

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2017114\_\_

91 (b) The manufacturer subcontracts with a manufacturer of  
92 medical devices to manufacture components of such devices.

93 (9) However, the manufacturer must submit evidence of such  
94 registration, listing, or approval with its initial application  
95 for a permit to do business in this state, as required in s.  
96 499.01, and any changes to such information previously submitted  
97 at the time of renewal of the permit. Evidence of approval,  
98 listing, and registration by the federal Food and Drug  
99 Administration must include:

100 (a) For Class II devices, a copy of the premarket  
101 notification letter (510K);

102 (b) For Class III devices, a federal Food and Drug  
103 Administration premarket approval number;

104 (c) For a manufacturer who subcontracts with a manufacturer  
105 of medical devices to manufacture components of such devices, a  
106 federal Food and Drug Administration registration number; or

107 (d) For a manufacturer of medical devices whose devices are  
108 exempt from premarket approval by the federal Food and Drug  
109 Administration, a federal Food and Drug Administration  
110 registration number.

111 Section 2. Subsection (6) of section 499.003, Florida  
112 Statutes, is amended to read:

113 499.003 Definitions of terms used in this part.—As used in  
114 this part, the term:

115 (6) "Certificate of free sale" means a document prepared by  
116 the department which certifies a drug or device, ~~or cosmetic,~~  
117 that is registered with the department, as one that can be  
118 legally sold in the state.

119 Section 3. Subsection (6) of section 499.041, Florida

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120 Statutes, is amended to read:

121 499.041 Schedule of fees for drug, device, and cosmetic  
122 applications and permits, product registrations, and free-sale  
123 certificates.-

124 (6) A person that is required to register drugs ~~or~~  
125 devices, ~~or cosmetic products~~ under s. 499.015 shall pay an  
126 annual product registration fee of not less than \$5 or more than  
127 \$15 for each separate and distinct product in package form. The  
128 registration fee is in addition to the fee charged for a free-  
129 sale certificate.

130 Section 4. Subsection (2) of section 499.051, Florida  
131 Statutes, is amended to read:

132 499.051 Inspections and investigations.-

133 (2) In addition to the authority set forth in subsection  
134 (1), the department and any duly designated officer or employee  
135 of the department may enter and inspect any other establishment  
136 for the purpose of determining compliance with this chapter and  
137 rules adopted under this chapter regarding any drug, device, or  
138 cosmetic ~~product~~.

139 Section 5. For the 2017-2018 fiscal year, the sum of  
140 \$222,564 in recurring funds is appropriated from the General  
141 Revenue Fund to the Division of Drugs, Devices, and Cosmetics in  
142 the Department of Business and Professional Regulation for the  
143 purpose of implementing this act, and the appropriation from the  
144 Professional Regulation Trust Fund to the division shall be  
145 reduced by \$222,564.

146 Section 6. 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)

3/15/17*Meeting Date*SB 114*Bill Number (if applicable)*Topic Cosmetic Product Registration*Amendment Barcode (if applicable)*Name John RayJob Title 310 W. College Ave, Suite 212

Address \_\_\_\_\_

Phone 850.445.5044*Street*TallahasseeFL32301

Email \_\_\_\_\_

*City**State**Zip*Speaking:  For  Against  InformationWaive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*Representing Seychelles Organics, Inc.Appearing at request of Chair:  Yes  NoLobbyist registered with Legislature:  Yes  No*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.****This form is part of the public record for this meeting.***

S-001 (10/14/14)



The Florida Senate

## Committee Agenda Request

**To:** Senator Denise Grimsley,  
Appropriations Subcommittee on  
General Government

**Subject:** Committee Agenda Request

**Date:** February 7<sup>th</sup>, 2017

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I respectfully request that **Senate Bill #114**, relating to **Cosmetic Product Registration**, 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", written over a horizontal line.

Senator Jeff Brandes  
Florida Senate, District 24

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

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**BILL:** PCS/CS/SB 362 (690666)

**INTRODUCER:** Appropriations Subcommittee on General Government; Governmental Oversight and Accountability Committee; and Senator Brandes

**SUBJECT:** Agency for State Technology

**DATE:** March 17, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peacock</u>	<u>Ferrin</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Davis/Wilson</u>	<u>Betta</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 362 establishes a chief data officer within the Agency for State Technology (AST) who must be appointed by the executive director. The bill also establishes the Geographic Information Office within the AST.

The bill amends s. 282.0051, F.S., to expand the AST's duties to include establishing a governance structure for data managed and controlled by state agencies in a manner that promotes interoperability and openness and establishing the geographic information systems enterprise architecture and governance with which state agencies must comply.

The Department of Highway Safety and Motor Vehicles (DHSMV), in collaboration with the AST, must establish and implement secure and uniform protocols and standards for issuing an optional digital proof of driver license. The DHSMV may adopt rules to ensure the valid authentication of digital proof of driver licenses. The DHSMV must procure any application, programming interface necessary to enable a private entity to securely manufacture a digital proof of driver license

The bill has an indeterminate but significant fiscal impact on state funds. In addition, the AST has requested an additional \$289,065 in its Legislative Budget Request to fund positions related to the duties in the bill.

The effective date of the bill is October 1, 2017.

## II. Present Situation:

### Agency for State Technology

The AST was created on July 1, 2014.<sup>1</sup> The executive director of the AST, who serves as the state's chief information officer, is appointed by the Governor and confirmed by the Senate.<sup>2</sup> For the 2016-2017 fiscal year, the AST is authorized 25 full-time equivalent positions within the Executive Direction and Support Services budget entity. Of those positions established within the AST, the following are appointed by the executive director:<sup>3</sup>

- Deputy executive director;
- Chief planning officer and six strategic planning coordinators;
- Chief operations officer;
- Chief information security officer; and
- Chief technology officer.

The duties and responsibilities of the AST include:<sup>4</sup>

- Developing and publishing information technology (IT) policy for management of the state's IT resources.
- Establishing and publishing IT architecture standards.
- Establishing project management and oversight standards with which state agencies must comply when implementing IT projects.
- Performing project oversight on all state IT projects with total costs of \$10 million or more.
- Identifying opportunities for standardization and consolidation of IT services that support common business functions and operations.
- Establishing best practices for procurement of IT products in collaboration with the Department of Management Services (DMS).
- Participating with the DMS in evaluating, conducting and negotiating competitive solicitations for state term contracts for IT commodities, consultant services, or staff augmentation contractual services.
- Collaborating with the DMS in IT resource acquisition planning.
- Developing standards for IT reports and updates.
- Upon request, assisting state agencies in development of IT related legislative budget requests.
- Conducting annual assessments of state agencies to determine compliance with IT standards and guidelines developed by the AST.
- Providing operational management and oversight of the state data center.
- Recommending other IT services that should be designed, delivered, and managed as enterprise IT services.
- Recommending additional consolidations of agency data centers or computing facilities into the state data center.

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<sup>1</sup> Chapter 2014-221, Laws of Florida.

<sup>2</sup> Section 20.61(1)(a), F.S.

<sup>3</sup> Section 20.61(2), F.S.

<sup>4</sup> Section 282.0051, F.S.



- In consultation with state agencies, proposing methodology for identifying and collecting current and planned IT expenditure data at the state agency level.
- Performing project oversight on any cabinet agency IT project that has a total project cost of \$25 million or more and impacts one or more other agencies.
- Consulting with departments regarding risks and other effects for IT projects implemented by an agency that must be connected to or accommodated by an IT system administered by a cabinet agency.
- Reporting annually to the Governor, the President of the Senate and the Speaker of the House regarding state IT standards or policies that conflict with federal regulations or requirements.
- Establishing policy for all IT-related state contracts, including state term contracts for IT commodities, consultant services, and staff augmentation services in collaboration with the DMS.
- In collaboration with the DMS, evaluating vendor responses for state term contract solicitations and invitations to negotiate, answering vendor questions on state term contract solicitations, and ensuring that IT policy is included in all solicitations and contracts that are administratively executed by the DMS.

### **Enterprise Geographical Information Systems (GIS) in Florida**

A geographic information system (GIS) is “a computer system for capturing, storing, checking, and displaying data related to positions on Earth’s surface. A GIS can show many different kinds of data on one map.”<sup>5</sup> Currently there is no enterprise view or governance of GIS or infrastructure in the State of Florida; rather, GIS activities are fragmented across the state with duplication of data collection and storage.<sup>6</sup> Standards are followed inconsistently, and information is not immediately accessible when needed by law enforcement, emergency management, and the State Fire Marshal. As the use of a GIS has proliferated, there has been no single entity to address its fragmented use, no national representative to pursue grant funding, nor any official state GIS leadership.<sup>7</sup>

In May 2015, the AST chartered the Florida Enterprise GIS Workgroup to assist in the identification, standardization, and coordination of GIS activities, assets, and needs across state agencies. This workgroup has been developing a business plan with recommendations for enterprise GIS leadership, identifying, inventorying, and cataloging GIS data across the state, outlining standards and best practices used by state and federal public entities, and determining feasibility of statewide enterprise licensing and training.<sup>8</sup>

Workgroup participation is currently voluntary; however, representation includes 17 state agencies, two universities, six water management districts, representatives from the US Geological Survey, and the US Army Corps of Engineers.<sup>9</sup>

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<sup>5</sup> See <http://www.nationalgeographic.org/encyclopedia/geographic-information-system-gis/> (last visited on Jan. 30, 2017).

<sup>6</sup> See AST Recommendations for Information Technology Services issued on April 1, 2016 located at <http://www.ast.myflorida.com/doc%20library/APRIL%201%20RECOMMENDATIONS%20REPORT.pdf> (last visited on Jan. 27, 2017).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

### **Digital Proof of Driver License**

In 2014, the Legislature enacted s. 322.032, F.S.,<sup>10</sup> requiring the DHSMV to prepare for the development of an optional digital proof of driver license in a format that allows law enforcement to verify the authenticity of the digital proof.

Section 322.059, F.S., requires that any person whose driver license or registration has been suspended must return that driver license immediately to the DHSMV. If he or she fails to return the license or registration, a law enforcement agent may seize the driver license. This section further provides the DHSMV shall invalidate the digital proof of driver license for such person whose driver license is suspended.

Section 322.15, F.S., requires every licensee must have his or her driver license in his or her possession at all times while operating a motor vehicle and shall display that license upon demand of a law enforcement officer or an authorized representative of the DHSMV. In addition, this section allows a licensee to present or submit a digital proof of driver license in lieu of a physical driver license.

A person who possesses a false digital proof of driver license commits a second-degree misdemeanor punishable by imprisonment not to exceed 60 days.<sup>11</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 20.61, F.S., to establish a chief data officer position appointed by the executive director within the AST. Also, the Geographic Information Office is established within the AST.

**Section 2** amends s. 282.0051, F.S., to expand the powers, duties, and functions of the AST to include:

- For data managed and controlled by state agencies, establishing a governance structure that promotes interoperability and openness, to include:
  - Adopting rules governing data managed and controlled by state agencies; and
  - Establishing a catalog of data sources utilized by state agencies, which documents the acceptable use of, security and compliance requirements for, sharing agreements for, and format and methods available to access the date.
- Establishing, pursuant to s. 20.61, F.S., the GIS enterprise architecture and governance with which state agencies must comply.

The AST will inventory state agencies for their sources of data for the catalog. The AST will not maintain custody or possession of the inventoried data.

**Section 3** amends s. 322.032, F.S., to require the DHSMV, in collaboration with the AST, to establish and implement secure and uniform protocols and standards for issuing an optional digital proof of driver's license. The DHSMV must procure any application, programming

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<sup>10</sup> Chapter 2014-216, s. 27, Laws of Fla.

<sup>11</sup> Section 322.032(4)(b), F.S. *Also, see* s. 775.082, F.S.

interface necessary to enable a private entity to securely manufacture a digital proof of driver license.

The digital proof of driver license developed must be in a format that allows law enforcement to verify the authenticity of the digital proof of driver license. The DHSMV may adopt rules to ensure valid authentication of a digital proof of driver license by law enforcement.

The act of presenting to a law enforcement officer an electronic device displaying a digital proof of driver license does not constitute consent for the officer to access any information on the device other than the digital proof of driver license. A person who presents such device to the officer assumes liability for any resulting damage to the device.

**Section 4** of the bill provides an effective date of October 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:

None.

B. Private Sector Impact:

The private sector impact of PCS/CS/SB 362 is indeterminate. The bill directs the AST to establish a catalog of data sources used by state agencies, which may result in data requirement changes affecting state agencies ultimately resulting in an impact on the state agency customers.

C. Government Sector Impact:

The bill has an indeterminate but significant fiscal impact to the DHSMV associated with the procurement of a necessary programming application for the manufacture of the optional digital proof driver license.

In addition, the bill directs the AST to establish a chief data officer and GIS office within the AST. According to the AST, four positions are needed to support the workload

associated with the duties.<sup>12</sup> The AST has requested in the Legislative Budget Request (LBR), a transfer of two positions and \$88,632 from the State Data Center (SDC) to Executive Direction for the chief data officer and a research and planning administrator position. The LBR also requests an increase of \$160,889 in Salaries and Benefits from the Working Capital Trust Fund to reclassify the positions to a chief data officer and a research and planning administrator.<sup>13</sup>

The bill also establishes the GIS office within the AST. The bill does not establish a position related to the GIS office; however, the AST has requested in the LBR, a transfer of two positions and \$90,010 from the SDC to Executive Direction for a Geographic Information Officer (GIO) and a research and planning administrator to support the workload of the GIS office.<sup>14</sup> The LBR also requests an increase of \$128,176 in Salaries and Benefits from the Working Capital Trust Fund to reclassify the positions to a GIO and a research and planning administrator.

The total fiscal impact to the AST's Working Capital Trust Fund will be \$289,065 for the additional salary and benefits if the LBR requests are funded in the General Appropriations Act.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 20.61, 282.0051 and 322.032.

#### **IX. Additional Information:**

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

#### **Recommended CS/CS by Appropriations Subcommittee on General Government on March 15, 2017:**

- Requires the DHSMV, in collaboration with the AST, to establish and implement secure and uniform protocols and standards for issuing an optional digital proof of driver license.
- Authorizes the DHSMV to procure any application, programming interface necessary to enable a private entity to securely manufacture a digital proof of driver license.

<sup>12</sup> See 2017 Agency Legislative Bill Analysis (AGENCY: Agency for State Technology) for SB 362, dated February 3, 2017 (on file with Senate Appropriations Subcommittee on General Government) at page 4.

<sup>13</sup> *Id.*

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

- Specifies the act of presenting to a law enforcement officer an electronic device displaying a digital proof of driver license does not constitute consent for the officer to access any information on the device other than the digital proof of driver license.

**CS by Governmental Oversight and Accountability on February 7, 2017:**

CS/SB 362 differs from SB 362 in the following ways:

- Revises the term “state government data” contained in (19)(a) to “data managed and controlled by state agencies”.
- Revises the term “catalog of state government data sources” contained in (19)(c) to “catalog of data sources utilized by state agencies”.
- Deletes (19)(d) that requires compliance with public records provisions of chapter 119. The AST, along with all state agencies, is already subject to the requirements of chapter 119.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
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Appropriations Subcommittee on General Government (Brandes)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete line 49

and insert:

Section 3. Subsections (1) and (2) of section 322.032,  
Florida Statutes, are amended to read

322.032 Digital proof of driver license.—

(1) The department, in collaboration with the Agency for  
State Technology, shall establish and implement ~~begin to review~~  
~~and prepare for the development of a secure and uniform~~



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11 protocols and standards system for issuing an optional digital  
12 proof of driver license and shall procure any application  
13 programming interface necessary to enable a private entity to  
14 securely manufacture a digital proof of driver license. The  
15 department may contract with one or more private entities to  
16 develop a digital proof of driver license system.

17 (2) (a) A ~~The digital proof of driver license developed by~~  
18 ~~the department or by an entity contracted by the department~~ must  
19 be in such a format as to allow law enforcement to verify the  
20 authenticity of the digital proof of driver license. The  
21 department may adopt rules to ensure valid authentication of a  
22 digital proof of driver license licenses by law enforcement.

23 (b) The act of presenting to a law enforcement officer an  
24 electronic device displaying a digital proof of driver license  
25 does not constitute consent for the officer to access any  
26 information on the device other than the digital proof of driver  
27 license.

28 (c) A person who presents such device to the officer  
29 assumes liability for any resulting damage to the device.

30 Section 4. This act shall take effect October 1, 2017.

31  
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Delete line 7

35 and insert:

36 of the agency; amending s. 322.032, F.S.; requiring  
37 the Department of Highway Safety and Motor Vehicles,  
38 in collaboration with the agency, to establish and  
39 implement certain protocols and standards related to



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40 digital proofs of driver licenses and to procure an  
41 application programming interface for a specified  
42 purpose; conforming a provision to changes made by the  
43 act; providing construction relating to a person's  
44 presentation of an electronic device displaying a  
45 digital proof of driver license to a law enforcement  
46 officer; providing an effective date.



By the Committee on Governmental Oversight and Accountability;  
and Senator Brandes

585-01719-17

2017362c1

A bill to be entitled

An act relating to the Agency for State Technology;  
amending s. 20.61, F.S.; establishing within the  
agency a chief data officer position and the  
Geographic Information Office; amending s. 282.0051,  
F.S.; adding specified powers, duties, and functions  
of the agency; providing an effective date.

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

Section 1. Paragraph (f) is added to subsection (2) of  
section 20.61, Florida Statutes, and subsection (4) is added to  
that section, to read:

20.61 Agency for State Technology.—The Agency for State  
Technology is created within the Department of Management  
Services. The agency is a separate budget program and is not  
subject to control, supervision, or direction by the Department  
of Management Services, including, but not limited to,  
purchasing, transactions involving real or personal property,  
personnel, or budgetary matters.

(2) The following positions are established within the  
agency, all of whom shall be appointed by the executive  
director:

(f) Chief data officer.

(4) The Geographic Information Office is established within  
the agency.

Section 2. Present subsection (19) of section 282.0051,  
Florida Statutes, is redesignated as subsection (21), and a new  
subsection (19) and subsection (20) are added to that section,  
to read:

282.0051 Agency for State Technology; powers, duties, and

Page 1 of 2

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

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functions.—The Agency for State Technology shall have the  
following powers, duties, and functions:

(19) (a) For data managed and controlled by state agencies,  
establish a governance structure that promotes interoperability  
and openness;

(b) Adopt rules governing data managed and controlled by  
state agencies; and

(c) Establish a catalog of data sources utilized by state  
agencies which documents the acceptable use of, security and  
compliance requirements for, sharing agreements for, and format  
and methods available to access the data.

The chief data officer of the agency shall implement this  
subsection.

(20) Establish pursuant to s. 20.61 the geographic  
information systems enterprise architecture and governance with  
which state agencies must comply.

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

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/15 17

Meeting Date

362

Bill Number (if applicable)

Topic AGENCY for State Technology

Amendment Barcode (if applicable)

Name JAMES TAYLOR

Job Title Executive Director

Address 115 E PARK

Phone 850 803-8324

Street

TALLY

FL

Email

City

State

Zip

Speaking:  For  Against  Information

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

Representing FLORIDA TECHNOLOGY COUNCIL

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.



The Florida Senate

## Committee Agenda Request

**To:** Senator Denise Grimsley,  
Appropriation Subcommittee on  
General Government

**Subject:** Committee Agenda Request

**Date:** February 7<sup>th</sup>, 2017

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I respectfully request that **Senate Bill #362**, relating to **Agency for State Technology**, 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", written over a horizontal line.

Senator Jeff Brandes  
Florida Senate, District 24

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

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BILL: PCS/CS/SB 370 (792908)

INTRODUCER: Appropriations Subcommittee on General Government; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Stargel

SUBJECT: Florida Wing of the Civil Air Patrol

DATE: March 17, 2017      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 370 provides employment protections for a member of the Florida Wing of the Civil Air Patrol who is absent from his or her place of employment due to service or training with the Civil Air Patrol (CAP). Specifically, the bill:

- Requires employers to provide unpaid leave to an employee engaged in CAP service or training;
- Prohibits the termination of an employee who is absent from work due to CAP service or training, except for cause;
- Entitles an employee returning to work following a period of CAP service or training to certain seniority rights;
- Authorizes a cause of action for a member of the Florida Wing of the CAP who is affected by a violation of a provision in the bill; and
- Provides a legislative determination that the act fulfills an important state interest.

The bill may have an indeterminate fiscal impact on state funds that could be handled with existing resources. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2017.

## II. Present Situation:

### Civil Air Patrol

The Civil Air Patrol (CAP) is a nonprofit, congressionally chartered corporation<sup>1</sup> created in 1946 with the purpose to:

- Encourage and aid citizens of the United States in contributing their efforts, services, and resources in developing aviation and in maintaining air supremacy;
- Encourage and develop by example the voluntary contribution of private citizens to the public welfare;
- Provide aviation education and training to its members;
- Encourage and foster civil aviation in local communities;
- Provide an organization of private citizens with adequate facilities to assist in meeting local and national emergencies; and
- Assist the Department of the Air Force in fulfilling its noncombat programs and missions.<sup>2</sup>

Pursuant to its charter, the CAP serves as an auxiliary of the U.S. Air Force (USAF). In 2015, the USAF expanded its description of total force<sup>3</sup> to include regular, Guard, Reserve, civilian, and auxiliary members.<sup>4</sup> Despite its inclusion in the total force of the USAF, members of the CAP are considered civilians and do not have any obligation to any branch of the military.<sup>5</sup> Subsequently, members of the CAP do not qualify for most federal programs created to provide benefits for or protect the rights of servicemembers.

Members of the CAP are either cadet or senior members. Cadets are generally under the age of 18 and participate in a 16-step program that includes aerospace education, leadership training, physical fitness, and moral leadership.<sup>6</sup> Cadets compete for academic scholarships to further their studies in fields such as engineering, science, aircraft mechanics, aerospace medicine, meteorology, as well as many others.<sup>7</sup>

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<sup>1</sup> Organizations chartered by Congress have a patriotic, charitable, historical, educational, or other purpose. Chartering does not make the organizations “agencies of the United States,” confer any powers of a governmental character, or assign any benefits. The attraction for national organizations is that it tends to provide an “official” endorsement to their activities and, to that extent, it may provide them prestige and indirect financial benefit. See Congressional Research Service, *Congressionally Chartered Nonprofit Organizations (“Title 36 Corporations”): What They Are and How Congress Treats Them*, 5 (April 8, 2004), available at [https://digital.library.unt.edu/ark:/67531/metacrs7367/m1/1/high\\_res\\_d/RL30340\\_2004Apr08.pdf](https://digital.library.unt.edu/ark:/67531/metacrs7367/m1/1/high_res_d/RL30340_2004Apr08.pdf) (last visited Feb. 17, 2017).

<sup>2</sup> 36 U.S.C. 40302 (2000).

<sup>3</sup> Total force is the summation of all resources and personnel available to the U.S. Air Force.

<sup>4</sup> U.S. Air Force, *Civil Air Patrol joins total force ‘Airmen’* (Aug. 28, 2015), available at <http://www.af.mil/News/ArticleDisplay/tabid/223/Article/615251/civil-air-patrol-joins-total-force-airmen.aspx> (last visited Feb. 17, 2017).

<sup>5</sup> Civil Air Patrol, *FAQs for Adults, Am I considered a member of the military?*, available at [http://www.gocivilairpatrol.com/how\\_to\\_join/adults\\_faq/](http://www.gocivilairpatrol.com/how_to_join/adults_faq/) (last visited Jan. 17, 2017).

<sup>6</sup> Civil Air Patrol, *Cadet Programs*, available at [http://www.gocivilairpatrol.com/about/civil\\_air\\_patrols\\_three\\_primary\\_missions/cadet-programs/](http://www.gocivilairpatrol.com/about/civil_air_patrols_three_primary_missions/cadet-programs/) (last visited Feb. 17, 2017).

<sup>7</sup> Id.

Senior members of the CAP either perform tactical operations or provide support for the CAP's primary missions of search and rescue, disaster relief, humanitarian services, air force support, and counterdrug operations.<sup>8</sup> The CAP is the primary resource of the Air Force Rescue Coordination Center<sup>9</sup> and performs approximately 75 percent of all aerial search activity in the inland area of the 48 continental United States.<sup>10</sup>

The CAP is divided into 52 wings geographically defined by state lines, Puerto Rico, and the District of Columbia.<sup>11</sup> Each wing is housed within one of six regions as part of the national command structure.<sup>12</sup> Subordinate units of the CAP are divided into groups and further organized into squadrons and flights.<sup>13</sup>

### **Florida Wing of the Civil Air Patrol**

The Florida Wing (FLWG) of the Civil Air Patrol (CAP) was recognized in Florida Statutes in 1974 as an organization composed of citizens who volunteer and contribute their time, skill, facilities, and equipment from time to time to public safety and defense, to promote the education, health, welfare, peace, and safety of the citizens of this state.<sup>14</sup> In addition to the fundamental operations of the CAP, the FLWG also provides light transport services, aerial photography, and communications capabilities in the form of amateur radio operations.<sup>15</sup>

There are approximately 3,306 members of the FLWG to include 1,460 cadets and 1,846 senior members active in seven groups statewide.<sup>16</sup> During federal Fiscal Year 2015-2016, the FLWG executed 290 training and actual missions totaling 5,912 flying hours and completed 179,169 miles of driving in support of the CAP missions and programs.<sup>17</sup>

Both state and local agencies utilize the resources offered by the FLWG to conduct various public safety missions. The FLWG maintains relationships with local law enforcement to make the fleet and other assets of the FLWG available.<sup>18</sup> At the state level, the FLWG participated in each annual state hurricane exercise and seven real world events within the last three years

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<sup>8</sup> Civil Air Patrol, *Emergency Services*, available at [http://www.gocivilairpatrol.com/about/civil\\_air\\_patrols\\_three\\_primary\\_missions/emergency-services/](http://www.gocivilairpatrol.com/about/civil_air_patrols_three_primary_missions/emergency-services/) (last visited Feb. 17, 2017).

<sup>9</sup> The Air Force Rescue Coordination Center is the United States' inland search and rescue coordinator. It is the single agency responsible for coordinating on-land federal search and rescue activities in the 48 contiguous United States, Mexico, and Canada. See CONR-1AF (AFNORTH), *Air Force Rescue Coordination Center*, available at <http://www.1af.acc.af.mil/Units/AFRCC.aspx> (last visited Feb. 17, 2017).

<sup>10</sup> Air Combat Command, *SAR Agencies*, available at <http://www.acc.af.mil/AboutUs/FactSheets/Display/tabid/5768/Article/199165/sar-agencies.aspx> (last visited Feb. 17, 2017).

<sup>11</sup> Florida Wing, *Information, Florida Wing*, available at <http://www.flwg.us/Information.aspx> (last visited Feb. 17, 2017).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Ch. 74-333, Laws of Fla. (Creating s. 252.33, F.S., effective July 1, 1974).

<sup>15</sup> FLWG, *Information, CAP's Missions*, available at <http://www.flwg.us/Information.aspx> (last visited Feb. 17, 2017).

<sup>16</sup> E-mail correspondence from FLWG on Feb. 10, 2017 (on file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee), and FLWG, *Information, Units*, available at <http://www.flwg.us/Information.aspx> (last visited Feb. 17, 2017).

<sup>17</sup> E-mail correspondence from FLWG on Feb. 10, 2017 (on file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee).

<sup>18</sup> Telephone conversation with FLWG representative (Feb. 3, 2017).

alongside both the Florida Division of Emergency Management (FDEM) and the State Emergency Response Team performing a total of 20 exercise missions and 15 real world missions.<sup>19</sup>

Pursuant to s. 252.55, F.S., the FLWG is eligible to receive state appropriations administered by the FDEM. The FLWG initially received \$50,000 per annum of general revenue beginning in 1974 and ending when the provision was repealed from the Florida Statutes in 1996.<sup>20</sup> The FDEM continued to issue payments to the FLWG each fiscal year following the repeal. Since Fiscal Year 2009-2010, the FDEM has paid \$49,500 per annum to the FLWG. These funds are to be used for the purpose of acquisition, installation, conditioning, and maintenance of the FLWG.<sup>21</sup>

### **Uniformed Services Employment and Reemployment Rights Act**

The Uniformed Services Employment and Reemployment Rights Act<sup>22</sup> (USERRA) is a Federal law enacted in 1994 that intends to ensure persons who serve or have served in the U.S. Armed Forces, U.S. Reserves, National Guard, or other uniformed services<sup>23</sup> are:

- Not disadvantaged in their civilian careers because of their service;
- Promptly reemployed in their civilian jobs upon their return from duty; and
- Not discriminated against in employment based on past, present, or future military service.<sup>24</sup>

The provisions of USERRA apply to all public, private, and government employers in the U.S., foreign employers doing business in the U.S., and U.S. companies operating in foreign countries.<sup>25</sup> Employers are prohibited from denying initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of his or her military service.<sup>26</sup> The USERRA also protects individuals from retaliation by an employer in the event he or she takes action to enforce a protection afforded under the law.<sup>27</sup>

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<sup>19</sup> E-mail correspondence from the FDEM and the FLWG on Feb. 17, 2017 and Feb. 16, 2017, respectively (on file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee).

<sup>20</sup> Ch. 96-423, Laws of Fla.

<sup>21</sup> Section 252.55(2), F.S.

<sup>22</sup> 38 U.S.C. 4301 et seq.

<sup>23</sup> The term “uniformed services” means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, System members of the National Urban Search and Rescue Response System during a period of appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and any other category of persons designated by the President in time of war or national emergency. See 38 U.S.C. s. 4303 (2016).

<sup>24</sup> Employer Support of the Guard and Reserve, *What is USERRA*, available at <http://www.esgr.mil/USERRA/What-is-USERRA.aspx> (last visited Feb. 13, 2017).

<sup>25</sup> Employer Support of the Guard and Reserve, *Frequently Asked Questions: What employees are covered by USERRA?*, available at <http://www.esgr.mil/USERRA/Frequently-Asked-Questions.aspx> (last visited Feb. 13, 2017).

<sup>26</sup> Employer Support of the Guard and Reserve, *Frequently Asked Questions: Can an employer discriminate based on past or present military service?*, available at <http://www.esgr.mil/USERRA/Frequently-Asked-Questions.aspx> (last visited Feb. 13, 2017).

<sup>27</sup> Id.

Any person whose absence from a position of employment due to service in the uniformed services is entitled to the protections under the USERRA if:

- The person has given advance written or verbal notice of such service to such person's employer;
- The cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and
- The person reports to, or submits an application for reemployment to, such employer.<sup>28</sup>

An employer is not required to reemploy a person protected under the USERRA if:

- The employer's circumstances have changed as to make such reemployment impossible or unreasonable;
- In the case of a person entitled to reemployment, such employment would impose an undue hardship on the employer; or
- The employment from which the person leaves to serve in the uniformed services is for a brief, non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.<sup>29</sup>

A member of the uniformed services who claims they were denied their rights may file a complaint, in writing, with the Secretary of the U.S. Department of Veterans Affairs.<sup>30</sup> If the Secretary determines that the action alleged in the complaint occurred, then the Secretary shall initiate the statutory procedure for resolving the complaint.<sup>31</sup> It is then the burden of the employer to prove that the dismissal of the complainant was within the rights afforded to the employer by the USERRA.<sup>32</sup>

### **Employment Protections for National Guard Members on State Active Duty**

Members of the National Guard who do not qualify for the protections offered by the USERRA are provided similar rights when ordered into state active duty pursuant to ch. 250, F.S., or into active duty as defined by the law of any other state. Florida Statutes defines "state active duty" as:

"Full-time duty in active military service of the State of Florida when ordered by the Governor or Adjutant General...to preserve the public peace, execute the laws of the state, suppress insurrection, repel invasion, enhance security and respond to terrorist threats or attacks, respond to an emergency...or to imminent danger of an emergency, enforce the law, carry out counter-drug operations, provide training, provide for the security of the rights or lives of the public, protect property, or conduct ceremonies."<sup>33</sup>

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<sup>28</sup> 38 U.S.C. s. 4312 (2015).

<sup>29</sup> Id.

<sup>30</sup> 38 U.S.C. s. 4322 (2008).

<sup>31</sup> See 38 U.S.C. ss. 4323-4325.

<sup>32</sup> Supra note 28.

<sup>33</sup> Section 250.01(21), F.S.



Section 250.482(1), F.S., provides that an employer<sup>34</sup> may not discharge, reprimand, or in any other way penalize such member because of his or her absence by reason of state active duty.<sup>35</sup> Furthermore, a member of the National Guard who returns to work after serving on state active duty may not be discharged from such employment for a period of one year after the date the member returns to work, except for cause.<sup>36</sup>

An employer may not require any National Guard member returning to employment following a period of state active duty to use vacation, annual, compensatory, or similar leave for the period during which the member was ordered into state active duty.<sup>37</sup> However, any returning member may request to use such leave as pay for the period in which he or she was ordered into state active duty.<sup>38</sup>

An employer is not required to allow a member of the National Guard to return to work if able to prove that:

- The employer’s circumstances have changed as to make employment impossible or unreasonable;
- Employment would impose an undue hardship on the employer;
- The employment from which the member of the National Guard leaves to serve in state active duty is for a brief, non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period; or
- The employer had legally sufficient cause to terminate the member of the National Guard at the time he or she left for state active duty.<sup>39</sup>

### III. Effect of Proposed Changes:

PCS/CS/SB 370 amends s. 252.55, F.S., to provide employment protections for employees engaged in a mission or training with the Florida Wing of the Civil Air Patrol.

#### Definitions

The bill defines the following terms:

“Benefits” means all benefits, other than salary and wages, provided or made available to employees by an employer and includes group life insurance, health insurance, disability insurance, and pensions, regardless of whether such benefits are provided by a policy or practice of the employer.

“Civil Air Patrol leave” means leave requested by an employee who is a Civil Air Patrol member for the purpose of participating in a Civil Air Patrol training or mission.

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<sup>34</sup> Section 250.482(1), F.S., defines an employer as a public or private employer, or an employing or appointing authority of this state, its counties, school districts, municipalities, political subdivisions, career centers, community colleges, or universities.

<sup>35</sup> Section 250.482(1), F.S.

<sup>36</sup> Section 250.482(2)(d), F.S.

<sup>37</sup> Section 250.482(2)(e), F.S.

<sup>38</sup> Id.

<sup>39</sup> Section 250.482(2)(b), F.S.

“Civil Air Patrol member” means a senior member of the Florida Wing of the Civil Air Patrol.

“Employee” means any person who may be permitted, required, or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment and who has been employed by the same employer for at least 90 days immediately preceding the commencement of Civil Air Patrol leave. The term does include an independent contractor.

“Employer” means a private or public employer, or an employing or appointing authority of this state, its counties, school districts, municipalities, political subdivisions, career centers, Florida College System institutions, or state universities.

### **Employment Rights and Limitations**

The bill requires an employer with 15 or more employees to provide up to 15 days of unpaid CAP leave annually to an employee who is also a CAP member, subject to certain conditions.

An employer may not require a CAP member returning to employment following CAP leave to use vacation, annual, compensatory, or similar leave. However, such employee is authorized, upon his or her request, to apply any vacation, annual, compensatory or similar leave accrued prior to the commencement of his or her CAP leave towards such leave.

### **Reemployment Rights and Limitations**

The bill prohibits an employer from discharging, reprimanding, or otherwise penalizing a CAP member due to his or her CAP leave. Furthermore, the member may not be discharged from such employment for a period of one year after the date of his or her return to work, except for cause.

An employer is not required to allow a CAP member to return to work upon the completion of CAP leave if the employer can prove that:

- The employer’s circumstances have changed as to make employment impossible or unreasonable;
- Employment would impose an undue hardship on the employer;
- The employment from which the CAP member leaves is for a brief, nonrecurring period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period; or
- The employer had legally sufficient cause to terminate the CAP member at the time he or she left to perform a CAP mission or participate in training.

A CAP member is required to notify their employer of his or her intent to return to work upon the completion of CAP leave. When the CAP member returns to work, he or she is entitled to the following:

- The seniority that the member had at his or her place of employment on the date his or her CAP leave began and any other rights and benefits that inure to the member as a result of such seniority; and
- Any additional seniority that the member would have attained at his or her place of employment if he or she had remained continuously employed and any other rights and benefits that inure to the member as a result of such seniority.

### **Procedures for Assistance, Enforcement, and Investigation**

If the Wing Commander of the Florida Wing of the Civil Air Patrol certifies there is probable cause to believe an employer has violated this section, the member may bring civil action. A civil action against the employer may occur in a court in the county where the employer resides or has his or her principal place of business or in the county where the alleged violation occurred. Upon adverse adjudication, the defendant is liable for actual damages or \$500, whichever is greater. The prevailing party is entitled to recover reasonable attorney fees and court costs.

The certification of probable cause may not be issued until the Wing Commander, or his or her designee, has completed an investigation. All employers and other personnel involved with the subject of such an investigation must cooperate with the wing commander in the investigation.

### **Important State Interest**

The bill provides a legislative determination that the act fulfills an important state interest.

The bill takes effect on July 1, 2017.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

Article VII, section 18(a) of the Florida Constitution provides in pertinent part that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds . . . unless the Legislature has determined that such law fulfills an important state interest and unless:

- The law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; or
- The expenditure is required to comply with a law that applies to all persons similarly situated.”

The bill contains a finding that the bill fulfills an important state interest (section 2). The bill appears to apply to all persons similarly situated (those employers employing members of the Florida Wing of the Civil Air Patrol), including state agencies, school boards, community colleges, counties, municipalities and special districts. If this exception does not apply, the bill must be approved by two-thirds vote of each chamber to be binding upon the counties and municipalities.

### **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:**

PCS/CS/SB 370 requires employers of a member of the Florida Wing of the Civil Air Patrol to provide employment protections under certain conditions.

**C. Government Sector Impact:**

The bill may require the Department of Management Services (department) to upgrade its personnel system to implement an additional time sheet accounting metric for Civil Air Patrol leave.<sup>40</sup> The department states the costs are indeterminate.<sup>41</sup> However, the department's Human Resources System contract has system enhancement hours to implement new system functionality, so there should be no fiscal impact.

State and local governments may benefit from increased availability of Civil Air Patrol members to perform missions.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 252.55, Florida Statutes.

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<sup>40</sup> Florida Department of Management Services, *Senate Bill 370 Agency Analysis* (Feb. 17, 2017) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

<sup>41</sup> *Id.*

**IX. Additional Information:**

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

**Recommended CS/CS by Appropriations Subcommittee on General Government on March 15, 2017:**

The CS includes a legislative determination that the bill fulfills an important state interest.

**CS by Military and Veterans Affairs, Space, and Domestic Security on February 21, 2017:**

The CS:

- Refines the definition of the term “Civil Air Patrol leave”;
  - Defines the term “Civil Air Patrol member” in order to clarify that the bill applies only to senior members of the Florida Wing of the Civil Air Patrol; and
  - Makes technical changes to apply the defined terms consistently throughout the bill.
- B. **Amendments:**

None.



803880

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
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Appropriations Subcommittee on General Government (Stargel)  
recommended the following:

**Senate Amendment (with title amendment)**

Between lines 140 and 141

insert:

Section 2. The Legislature finds that a proper and legitimate state purpose is served when allowing senior members of the Florida Wing of the Civil Air Patrol to take Civil Air Patrol leave, as authorized under s. 252.55, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.



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

And the title is amended as follows:

Delete line 18

and insert:

act may be issued; providing a declaration of  
important state interest; providing an effective date.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Stargel

583-01928-17

2017370c1

A bill to be entitled

An act relating to the Florida Wing of the Civil Air Patrol; amending s. 252.55, F.S.; defining terms; requiring certain employers to provide Civil Air Patrol leave; prohibiting specified public and private employers from discharging, reprimanding, or penalizing a Civil Air Patrol member because of his or her absence by reason of taking Civil Air Patrol leave; providing procedures for and requirements of employees and employers with respect to Civil Air Patrol leave and employment following such leave; specifying rights and entitlements of a Civil Air Patrol member who returns to work following Civil Air Patrol leave; providing for a civil action; specifying damages; authorizing the award of attorney fees and costs; specifying conditions under which a certification of probable cause of a violation of the act may be issued; providing an effective date.

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

Section 1. Section 252.55, Florida Statutes, is amended to read:

252.55 Civil Air Patrol, Florida Wing.—

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

(a) "Benefits" means all benefits, other than salary and wages, provided or made available to employees by an employer and includes group life insurance, health insurance, disability insurance, and pensions, regardless of whether such benefits are

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

583-01928-17

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provided by a policy or practice of the employer.

(b) "Civil Air Patrol leave" means leave requested by an employee who is a Civil Air Patrol member for the purpose of participating in a Civil Air Patrol training or mission.

(c) "Civil Air Patrol member" means a senior member of the Florida Wing of the Civil Air Patrol.

(d) "Employee" means any person who may be permitted, required, or directed by an employer, in consideration of direct or indirect gain or profit, to engage in any employment and who has been employed by the same employer for at least 90 days immediately preceding the commencement of Civil Air Patrol leave. The term includes an independent contractor.

(e) "Employer" means a private or public employer, or an employing or appointing authority of this state, a county, a school district, a municipality, a political subdivision, a career center, a Florida College System institution, or a state university.

(2)(1) The Florida Wing of the Civil Air Patrol, an auxiliary of the United States Air Force, ~~is shall be~~ recognized as a nonprofit, educational, and emergency-management-related organization and ~~is shall be~~ eligible to purchase materials from the various surplus warehouses of the state.

(3)(2) Funds shall be appropriated annually from the Emergency Management, Preparedness, and Assistance Trust Fund for the purpose of acquisition, installation, conditioning, and maintenance of the Florida Wing of the Civil Air Patrol. However, ~~no part of~~ the annual appropriation, ~~or any part thereof,~~ may not shall be expended for the purchase of uniforms or personal effects of members of the organization or for

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



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59 compensation or salary to such members.

60 ~~(4)(3)~~ The wing commander of the Florida Wing of the Civil  
61 Air Patrol may employ administrative help and purchase  
62 educational materials for the training of Florida youth for  
63 which funds from the annual appropriation may be used.

64 ~~(5)(4)~~ Purchase of aircraft ~~is shall be~~ limited to not more  
65 than \$15,000 per year, and not more than \$15,000 per year may be  
66 placed in a building reserve fund to be used for the toward  
67 acquisition of a permanent state headquarters and operations  
68 facility.

69 ~~(6)(5)~~ The wing commander of the Florida Wing of the Civil  
70 Air Patrol shall biennially furnish the division a 2-year  
71 projection of the goals and objectives of the Civil Air Patrol  
72 which shall be reported in the division's biennial report  
73 submitted pursuant to s. 252.35.

74 (7) An employer:

75 (a) That employs 15 or more employees shall provide up to  
76 15 days of unpaid Civil Air Patrol leave annually to an  
77 employee, subject to the conditions in this section.

78 (b) May not require a Civil Air Patrol member returning to  
79 employment following Civil Air Patrol leave to use vacation,  
80 annual, compensatory, or similar leave for the period during  
81 which the member was on Civil Air Patrol leave. However, any  
82 such returning member is, upon his or her request, authorized to  
83 use any vacation, annual, compensatory, or similar leave with  
84 pay accrued by the member before the commencement of his or her  
85 Civil Air Patrol leave.

86 (c) May not discharge, reprimand, or otherwise penalize a  
87 Civil Air Patrol member because of his or her absence by reason

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88 of taking Civil Air Patrol leave.

89 (8) (a) Upon the completion of a Civil Air Patrol leave, the  
90 Civil Air Patrol member shall promptly notify the employer of  
91 his or her intent to return to work.

92 (b) An employer is not required to allow a Civil Air Patrol  
93 member to return to work upon the completion of his or her Civil  
94 Air Patrol leave if:

95 1. The employer's circumstances have so changed as to make  
96 employment impossible or unreasonable;

97 2. Employment would impose an undue hardship on the  
98 employer;

99 3. The employment from which the member takes such leave is  
100 for a brief, nonrecurring period and there is no reasonable  
101 expectation that such employment will continue indefinitely or  
102 for a significant period; or

103 4. The employer had legally sufficient cause to terminate  
104 the member at the time he or she commenced such leave.

105 The employer has the burden of proving any circumstance  
106 specified in subparagraphs 1.-4. which served as the employer's  
107 basis for not allowing a Civil Air Patrol member to return to  
108 work upon completion of Civil Air Patrol leave.

109 (c) A Civil Air Patrol member who returns to work following  
110 his or her Civil Air Patrol leave is entitled to:

111 1. The seniority that the member had at his or her place of  
112 employment on the date his or her leave began and any other  
113 rights and benefits that inure to the member as a result of such  
114 seniority; and

115 2. Any additional seniority that the member would have  
116

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

583-01928-17

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117 attained at his or her place of employment if he or she had  
118 remained continuously employed and any other rights and benefits  
119 that would have inured to the member as a result of such  
120 seniority.

121 (d) A Civil Air Patrol member who returns to work following  
122 his or her Civil Air Patrol leave may not be discharged from  
123 such employment for a period of 1 year after the date the member  
124 returns to work, except for cause.

125 (9) If the wing commander of the Florida Wing of the Civil  
126 Air Patrol certifies that there is probable cause to believe  
127 that an employer has violated this section, an aggrieved  
128 employee who had taken Civil Air Patrol leave may bring a civil  
129 action against the employer in a court in the county where the  
130 employer resides or has his or her principal place of business  
131 or in the county where the alleged violation occurred. Upon  
132 adverse adjudication, the defendant is liable for actual damages  
133 or \$500, whichever is greater. The prevailing party is entitled  
134 to recover reasonable attorney fees and court costs.

135 (10) The certification of probable cause may not be issued  
136 until the wing commander of the Florida Wing of the Civil Air  
137 Patrol, or his or her designee, has completed an investigation.  
138 All employers and other personnel involved with the subject of  
139 such an investigation must cooperate with the wing commander in  
140 the investigation.

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR KELLI STARGEL**

22nd District

**COMMITTEES:**

Appropriations Subcommittee on Finance and Tax,  
*Chair*  
Appropriations Subcommittee on Health and  
Human Services, *Vice Chair*  
Appropriations  
Children, Families, and Elder Affairs  
Communications, Energy, and Public Utilities  
Military and Veterans Affairs, Space, and Domestic  
Security

February 24, 2017

The Honorable Denise Grimsley  
Senate Appropriations Subcommittee on General Government, Chair  
201 The Capitol  
404 S. Monroe Street  
Tallahassee, FL 32399

Dear Chair Grimsley:

I respectfully request that SB 370, related to *Florida Wing of the Civil Air Patrol*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Kelli Stargel  
State Senator, District 22

Cc: Giovanni Betta/ Staff Director  
Lisa Waddell/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803
- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

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

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

**BILL:** PCS/CS/SB 454 (149870)

**INTRODUCER:** Appropriations Subcommittee on General Government; Banking and Insurance Committee; and Senator Brandes

**SUBJECT:** Regulation of Insurance Companies

**DATE:** March 17, 2017      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matiyow</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Matiyow/Sanders</u>	<u>Betta</u>	<u>AGG</u>	<u><b>Recommend: Fav/CS</b></u>
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____

**Please see Section IX. for Additional Information:**  
 COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

PCS/CS/SB 454 makes several changes relating to the regulation of insurance companies. The bill:

- Deletes the future repeal of the exemption of medical malpractice insurance premiums from the Florida Hurricane Catastrophe Fund (Fund) assessments. Under current law, the exemption is repealed May 31, 2019.
- Allows an insurer issuing only renter’s insurance, tenant’s coverage or cooperative unit owners insurance to maintain a surplus of \$10 million to do business in the state.
- Allows Florida Workers’ Compensation Insurance Guaranty Association surcharges to be counted as insurer assets if those surcharges are paid to the Association before the surcharges are collected from the insureds.
- Removes the requirement on insurers writing certain lines of medical malpractice insurance to make a full rate filing annually; these insurers will have the option to certify their rates with the Office of Insurance Regulation (OIR).
- Allows electronic checks and drafts as acceptable methods of payment for specified lines of insurance and allows insurers to charge a \$15 insufficient funds fee.
- Specifies display requirements for the electronic delivery of documents.

The impact on state revenues and expenditures is indeterminate. The continued exemption from the Fund assessments for medical malpractice insurance premiums most likely will not impact

revenues generated by the Fund. The OIR has identified a need to modify existing computer systems but the costs of such modifications can be absorbed within existing agency resources.<sup>1</sup>

The bill takes effect upon becoming a law.

## **II. Present Situation:**

### **The Florida Hurricane Catastrophe Fund and its assessments**

The Florida Hurricane Catastrophe Fund (Fund) is a tax-exempt fund created in 1993 after Hurricane Andrew as a form of mandatory reinsurance for residential property insurers. The Fund is administered by the State Board of Administration and is a tax-exempt source of reimbursement to property insurers for a selected percentage of hurricane losses above the insurer's retention. Admitted property insurers in the state are required to purchase \$17 billion in coverage from the Fund. Each insurer's mandatory amount purchased is based upon the insurer's share of the actual premium paid for the contract year, multiplied by the claims paying capacity of the fund. The Fund must charge insurers the actuarially indicated premium for the coverage provided, based on hurricane loss projection models found acceptable by the Florida Commission on Hurricane Loss Projection Methodology.

Reimbursements to insurers for losses above the current moneys in the Fund are financed through bonding. When the moneys in the Fund are insufficient to cover losses, the law authorizes the Fund to issue revenue bonds funded by emergency assessments on property and casualty policyholders. Bonds would be funded by an emergency assessment of up to 6 percent of premium on most lines of property and casualty insurance for funding losses from a single year, and up to 10 percent of premium for funding losses from multiple years. All lines of property and casualty insurance, including surplus lines insurance, are subject to emergency assessment except for workers' compensation and medical malpractice liability insurance. The exemption for medical malpractice insurance being subject to Fund assessments is scheduled to repeal on May 31, 2019.

### **Florida Insurance Guaranty Association (FIGA) and its assessments**

When a property and casualty insurance company becomes insolvent, Florida Insurance Guaranty Association (FIGA) is required by law to take over the claims of the insurer and pay the claims of the company's policyholders. This ensures policyholders who have paid premiums for insurance are not left with valid yet unpaid claims. FIGA is responsible for claims on residential and commercial property insurance, automobile insurance, and liability insurance, among others.

In order to pay claims and to maintain the operations of an insolvent insurer, FIGA has several potential funding sources. FIGA's primary funding source is from the liquidation of assets of insolvent insurance companies domiciled in Florida. FIGA also obtains funds from the liquidation of assets of insolvent insurers domiciled in other states, but having claims in Florida. In the event the insolvent insurer's assets are insufficient to pay all claims, FIGA can issue two types of post-insolvency assessments against property and casualty insurance companies to raise

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<sup>1</sup> OIR staff provided an update regarding fiscal impact via telephone on March 9, 2017.

funds to pay claims. FIGA's assessments are computed and billed based on FIGA's immediate needs to pay claims. Currently, assessments may not exceed two percent of net direct-written premium in one year for regular assessments, and an additional emergency assessment of two percent of direct-written premium for hurricane-related insolvencies.

### **Renters Insurance**

Renter's insurance, sometimes referred to as tenant's insurance, includes three basic types of protection. The basic types of protection are for personal possessions, liability, and additional living expenses.<sup>2</sup> Standard renter's insurance policies protect personal belongings against damage from fire, smoke, lightning, vandalism, theft, explosion, windstorm, water, and other disasters listed in the policy. With respect to personal liability, standard renter's insurance policies provide liability protection against lawsuits for bodily injury or property damage that the insured or the insured's family members cause to other people. It also pays for damages caused by pets to others in the home. Finally, standard renter's insurance policies cover additional living expenses. If the tenant's home is destroyed by a disaster, which is covered by the policy, renter's insurance covers the additional costs incurred for the insured to reside elsewhere. Policies will generally reimburse the difference between additional living expenses and normal living expenses. Additional living expenses cover hotel bills, temporary rentals, restaurant meals and other expenses incurred while the home is being rebuilt.

### **Insurance Company Surplus**

Section 624.407, F.S., establishes the surplus requirement for insurers doing business in this state. The surplus requirement for a new property and casualty insurer issuing only renter's insurance policies is:

- \$15 million if not a wholly owned subsidiary of an insurer domiciled in any other state.<sup>3</sup>
- \$50 million if a wholly owned subsidiary of an insurer domiciled in any other state.<sup>4</sup>

### **Florida Workers' Compensation Insurance Guaranty Association (FWCIGA) and its assessments**

As a condition of their authority to offer workers' compensation insurance coverage in Florida, all insurers and self-insurance funds are required to be members of the Florida Workers' Compensation Insurance Guaranty Association, Inc. (FWCIGA).<sup>5</sup> The FWCIGA is a not-for-profit corporation established pursuant to part V of ch. 631, F.S., adjunct to the Department of Financial Services (DFS). The FWCIGA assists in the detection and prevention of insurer insolvencies and provides for the payment of workers' compensation covered claims.<sup>6</sup> The FWCIGA evaluates workers' compensation claims made by insureds against insolvent member

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<sup>2</sup> Insurance Information Institute, *Renters Insurance*, at <http://www.iii.org/article/renters-insurance> (last visited March 16, 2017).

<sup>3</sup> Section 624.407(1)(e)1.

<sup>4</sup> Section 624.407(1)(e)2.

<sup>5</sup> Section. 631.911, F.S. Chapter 631, F.S., governs the rehabilitation and liquidation process for insurers in Florida. In Florida, the Division of Rehabilitation and Liquidation in the Department of Financial Services is responsible for rehabilitating or liquidating insurance companies.

<sup>6</sup> Section 631.902, F.S. The term "covered claim" is defined in s. 631.904(2), F.S.

companies or funds, and determines if such claims are covered claims subject to payment by FWCIGA. The FWCIGA is funded by distributions from the estates of insolvent insurers, investment income, and assessments of member insurers.<sup>7</sup>

The FWCIGA determines whether an assessment against member insurers is necessary to pay covered claims of an insolvent insurer or to reimburse the FWCIGA for expenses associated with administering its statutory functions. The assessments are levied by the Department of Financial Services on each insurer based upon the proportion of the insurer's net direct written premium in Florida to the total of all such insurers writing workers' compensation coverages in Florida for the preceding calendar year. The maximum assessment rate is two percent for insurers and 1.5 percent for self-insurance funds. If these assessments are insufficient to satisfy claims and administration costs, an additional assessment of 1.5 percent can be levied.<sup>8</sup>

### **Insurer Assets**

When determining the financial condition of an insurer, statutory accounting principles allow insurers to include as an asset, assessment surcharges that have yet to be collected from policyholders. Under current law assessments levied by the Florida Insurance Guaranty Association, resulting in surcharges to policyholders yet to be collected by insurers, can be counted as assets if there is a reasonable expectation by the insurer that such surcharges will be paid.<sup>9</sup>

### **Medical Malpractice Insurance**

Medical malpractice insurance is a professional liability coverage obtained by health care providers to indemnify them from damages arising out of an act of medical negligence. Florida requires licensed physicians and licensed osteopathic physicians to meet financial responsibility requirements as a condition of obtaining and maintaining state licensure to practice medicine. Insurers that issue medical malpractice insurance are required to complete a full rate filing with the OIR once every calendar year.<sup>10</sup>

### **Insufficient Funds Fee**

Current law allows up to a \$15 insufficient funds fee to be charged to a policyholder of a motor vehicle insurance contract when the policyholders payment by debit card, credit card, electronic funds transfer, or electronic check is returned or declined.<sup>11</sup>

### **Delivery of Insurance Policies**

Part II of s. 627, F.S., generally applies to most lines of insurance written in this state.<sup>12</sup> Under this part, every insurance policy must be mailed, delivered or electronically transmitted to the

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<sup>7</sup> Florida Workers' Compensation Insurance Guaranty Association, Inc., *Frequently Asked Questions*, <http://fwciga.org/faq> (last visited March 16, 2017).

<sup>8</sup> Section 631.914, F.S.

<sup>9</sup> Section 625.012(15)(a), F.S.

<sup>10</sup> Section. 627.062(7)(e), F.S.

<sup>11</sup> Section 627.7295(9), F.S.

<sup>12</sup> Section 627.401, F.S.

policyholder within 60 days after the insurance takes effect. An insurer may allow a policyholder of personal lines insurance to affirmatively elect delivery of the policy documents, including, but not limited to, policies, endorsements, notices, or documents, by electronic means in lieu of delivery by mail. Electronic transmission of a policy for commercial risks constitutes delivery to the insured or to the person entitled to delivery, unless the insured or the person entitled to delivery communicates to the insurer in writing or electronically that he or she does not agree to delivery by electronic means. Electronic transmission shall include a notice to the insured or to the person entitled to delivery of a policy of his or her right to receive the policy via United States mail rather than via electronic transmission. A paper copy of the policy shall be provided to the insured or to the person entitled to delivery at his or her request.<sup>13</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 215.555, F.S. to delete the scheduled repeal of the exemption from the Florida Hurricane Catastrophe Fund assessments for medical malpractice insurance. The exemption will continue beyond May 31, 2019.

**Section 2** amends s. 624.407, F.S. to allow an insurer issuing only renter's insurance, tenant's coverage or cooperative unit owners insurance, or any combination of such coverages, to maintain a surplus of \$10 million, regardless if they are wholly owned subsidiary of an insurer domiciled in Florida or another state.

**Section 3** amends s. 625.012, F.S., to allow assessments paid by the Florida Workers' Compensation Insurance Guaranty Association prior to the collection of policy surcharges from policyholders to count as assets when determining the financial condition of an insurer. This section also allows assessments paid to the Florida Workers' Compensation Guaranty Association to be treated the same way assessments paid to the Florida Insurance Guaranty Association are currently treated.

**Sections 4 and 5** amend ss. 627.062 and 627.045, F.S., respectively, to allow insurers, when filing rates on certain lines<sup>14</sup> of medical malpractice insurance, the option of making a full rate filing or, when no rate change is needed, certifying to the OIR that their rates are actuarially sound and not inadequate.

**Section 6** amends s. 627.4035, F.S., to allow the use of electronic checks and drafts as acceptable methods of payment for most insurance policies.<sup>15</sup> Section 6 also allows insurers to charge a \$15

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<sup>13</sup> Section 627.421(1), F.S.

<sup>14</sup> The bill allows insurers to certify rates for medical malpractice insurance policies that are subject to "file and use" or "use and file" rate review under s. 627.062(2)(a) and (f), F.S. Medical malpractice insurance is subject to these requirements if it covers a facility that is not a hospital licensed under chapter 395 F.S., a nursing home licensed under part II of chapter 400 F.S., or an assisted living facility licensed under part I of chapter 429 F.S., a health care practitioner who is not a dentist licensed under chapter 466 F.S., a physician licensed under chapter 458 F.S., an osteopathic physician licensed under chapter 459 F.S., chiropractic physician licensed under chapter 460 F.S., a podiatric physician licensed under chapter 461 F.S., a pharmacist licensed under chapter 465 F.S., or a pharmacy technician registered under chapter 465 F.S. Accordingly, it is these types of medical malpractice insurance that are affected by the bill. Medical malpractice insurance covering other entities or practitioners are not subject to paragraphs (a) and (f) of s. 627.062(2), F.S., pursuant to sub-subparagraphs o. and p. of s. 627.062(3)(d)1, F.S., and thus are not affected by the bill.

<sup>15</sup> Section 627.401, F.S.



insufficient funds fee so long as the insufficient funds were not the result of fraudulent activity of the account on file and such fraudulent activity was not attributed to the policyholder. A \$15 insufficient funds fee is currently allowed for automobile insurance policies<sup>16</sup> and is being expanded to include a broader range of policies.

**Section 7** amends s. 27.421, F.S., to specify that, with regards to any font, size, color, spacing, or other formatting requirement for printed documents, an electronically delivered document satisfies these requirements if it has reasonably similar proportions or emphasis of the characters relative to the rest of the electronic document or is otherwise displayed in a reasonably conspicuous manner.

**Section 8** amends s. 627.7295, F.S., to delete provisions that are applicable only to motor vehicle contracts because similar provisions have been set forth in section 6 of this bill that are applicable to a broader range of policies.

**Section 9** provides 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.

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

A. Tax/Fee Issues:

Medical malpractice insurance will continue to be exempt beyond May 31, 2019, from assessments levied by the Florida Hurricane Catastrophe Fund (Fund). To the extent that assessments levied on or after June 1, 2019, do not reach the statutory maximum rate percentages, any assessments that otherwise would have been levied on medical malpractice insurance premiums will be shifted to the other lines of insurance subject to the assessments. To the extent that the assessments reach the maximum rates allowed, the Fund will receive less revenues (based on the amount of premiums written for medical malpractice).

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<sup>16</sup> Section 627.7295(9), F.S.

**B. Private Sector Impact:**

Medical malpractice insurance will continue to be exempt beyond May 31, 2019, from assessments levied by the Fund.

Insurers will be allowed to count as assets expected surcharges due to assessments from the Florida Workers' Compensation Insurance Guaranty Association. Insurers will have the option of certifying their rates on certain lines of medical malpractice insurance.

Policyholders on most lines of insurance will be permitted to use electronic checks and drafts as acceptable methods of payment will be subject to a \$15 insufficient funds fee, when applicable.

**C. Government Sector Impact:**

The OIR will need to modify existing computer systems but advise the update can be absorbed within existing resources. In addition, the OIR staff may have a reduced workload to the extent an insurer certifies its rates on certain lines of medical malpractice insurance rather than submitting a full rate filing.<sup>17</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 215.555, 624.407, 625.012, 627.062, 627.0645, 627.4035, 627.421, and 627.7295.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**Recommended CS/CS by Appropriations Subcommittee on General Government on March 15, 2017:**

- Allows an insurer issuing only renter's insurance, tenant's coverage or cooperative unit owners insurance to maintain a surplus of \$10 million, regardless if they are wholly owned subsidiary of an insurer domiciled in Florida or another state.
- Clarifies that an insufficient funds fee cannot be charged if the insufficient funds were the result of fraudulent activity of the account on file and such fraudulent activity was not attributed to the policyholder.

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<sup>17</sup> See footnote 13.

**CS by Banking and Insurance on March 6, 2017:**

The CS made a technical change to clarify that monthly installments on surcharges from the Florida Workers' Compensation Insurance Guaranty Association assessments can be included in the calculation on an insurers assets. The CS also removed the section of the bill pertaining to excluded named driver.

**B. Amendments:**

None.



852682

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
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Appropriations Subcommittee on General Government (Brandes)  
recommended the following:

**Senate Amendment (with title amendment)**

Between lines 153 and 154

insert:

Section 2. Subsection (1) of section 624.407, Florida  
Statutes, is amended to read:

624.407 Surplus required; new insurers.—

(1) To receive authority to transact any one kind or  
combinations of kinds of insurance, as defined in part V of this  
chapter, an insurer applying for its original certificate of



852682

11 authority in this state shall possess surplus as to  
12 policyholders at least the greater of:

13 (a) For a property and casualty insurer, \$5 million, or  
14 \$2.5 million for any other insurer;

15 (b) For life insurers, 4 percent of the insurer's total  
16 liabilities;

17 (c) For life and health insurers, 4 percent of the  
18 insurer's total liabilities, plus 6 percent of the insurer's  
19 liabilities relative to health insurance;

20 (d) For all insurers other than life insurers and life and  
21 health insurers, 10 percent of the insurer's total liabilities;

22 (e) Notwithstanding paragraph (a) or paragraph (d), for a  
23 domestic insurer that transacts residential property insurance  
24 and is:

25 1. Not a wholly owned subsidiary of an insurer domiciled in  
26 any other state, \$15 million.

27 2. A wholly owned subsidiary of an insurer domiciled in any  
28 other state, \$50 million; ~~or~~

29 (f) Notwithstanding paragraphs (a), (d), and (e), for a  
30 domestic insurer that only transacts limited sinkhole coverage  
31 insurance for personal lines residential property pursuant to s.  
32 627.7151, \$7.5 million; or

33 (g) Notwithstanding paragraphs (a), (b), and (e), for an  
34 insurer that only transacts residential property insurance in  
35 the form of renter's insurance, tenant's coverage, cooperative  
36 unit owner insurance, or any combination thereof, \$10 million.

37  
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:



852682

40           Delete line 7  
41 and insert:  
42           Florida Hurricane Catastrophe Fund; amending s.  
43           624.407, F.S.; specifying the minimum surplus as to  
44           policyholders for insurers that only transact in  
45           specified forms of residential property insurance;  
46           amending s.



714998

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
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Appropriations Subcommittee on General Government (Rodriguez)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete line 233  
and insert:  
terms. However, the insurer may not charge the policyholder an  
insufficient funds fee if the failure in payment resulted from  
fraud or misuse on the policyholder's account from which the  
payment was made and such fraud or misuse was not attributed to  
the policyholder.



714998

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

12 And the title is amended as follows:

13       Delete lines 19 - 20

14 and insert:

15       payment methods are returned, are declined, or cannot  
16       be processed; providing an exception; amending s.  
17       627.421, F.S.; providing that





296832

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/15/2017	.	
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Appropriations Subcommittee on General Government (Brandes)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete line 288

and insert:

Section 8. Effective July 1, 2017, section 627.7843,  
Florida Statutes, is amended to read:

627.7843 Property information ~~Ownership and encumbrance~~  
reports.—

(1) As used in this section, the term "property information  
report" ~~"ownership and encumbrance report"~~ means any a report



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11 that complies with this section and discloses ~~certain defined~~  
12 documents or information ~~imparting constructive notice and~~  
13 appearing in the official records as defined in s. 28.001, the  
14 records of a county tax collector pertaining to ad valorem real  
15 property taxes and special assessments levied by a governmental  
16 authority, or the records of the office of the Secretary of  
17 State or other filing office pertaining ~~relating to specified~~  
18 real or personal property. A property information report may be  
19 issued by any person, including a Florida-licensed title  
20 insurer, title agent, or title agency. A report that does not  
21 contain the statement required in subsection (3) is title  
22 insurance as defined in s. 624.608.

23 (2) A property information report does not include a title  
24 search, as defined in s. 627.7711, performed solely for the  
25 purpose of issuing a title insurance commitment, title insurance  
26 policy, or any related form ~~An ownership and encumbrance report~~  
27 ~~may not directly or indirectly set forth or imply any opinion,~~  
28 ~~warranty, guarantee, insurance, or other similar assurance as to~~  
29 ~~the status of title to real property.~~

30 (3) The contractual liability of the issuer of a property  
31 information report is limited to the person expressly identified  
32 by name in the report as the recipient of the report and may not  
33 exceed the amount paid for the report. Contractual remedies are  
34 available only for an error or omission that arises from a  
35 property information report. A property information report must  
36 contain the following statement or a substantially similar  
37 statement: "This property information report is not title  
38 insurance. Pursuant to s. 627.7843, F.S., the maximum liability  
39 of the issuer of this property information report for any errors



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40 or omissions contained herein is limited to the amount paid for  
41 this property information report and is further limited to the  
42 person(s) expressly identified by name in this property  
43 information report as the recipient(s) of this property  
44 information report." Any ownership and encumbrance report or  
45 similar report that is relied on or intended to be relied on by  
46 a consumer must be on forms approved by the office, and must  
47 provide for a maximum liability for incorrect information of not  
48 more than \$1,000.

49 (4) This section does not apply to an opinion of title  
50 issued by an attorney licensed to practice law in the state.  
51 This section may not adversely affect any limitation of  
52 liability or disclaimer contained in a report that does not  
53 contain the statement required in subsection (3).

54 Section 9. Effective July 1, 2017, section 177.041, Florida  
55 Statutes, is amended to read:

56 177.041 Boundary survey and property information report  
57 ~~title certification~~ required.—Every plat or replat of a  
58 subdivision submitted to the approving agency of the local  
59 governing body must be accompanied by:

60 (1) A boundary survey of the platted lands. However, a new  
61 boundary survey for a replat is required only when the replat  
62 affects any boundary of the previously platted property or when  
63 improvements which may affect the boundary of the previously  
64 platted property have been made on the lands to be replatted.  
65 The boundary survey must be performed and prepared under the  
66 responsible direction and supervision of a professional surveyor  
67 and mapper preceding the initial submittal of the plat to the  
68 local governing body. This subsection does not restrict a legal



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69 entity from employing one professional surveyor and mapper to  
70 perform and prepare the boundary survey and another professional  
71 surveyor and mapper to prepare the plat.

72 (2) A title opinion of an attorney at law licensed in  
73 Florida or a property information report that complies with s.  
74 627.7843 which shows ~~certification by an abstractor or a title~~  
75 ~~company showing~~ that record title to the land as described and  
76 shown on the plat is in the name of the person, persons,  
77 corporation, or entity executing the dedication. The title  
78 opinion or property information report ~~certification~~ shall also  
79 show all mortgages not satisfied or released of record nor  
80 otherwise terminated by law.

81 Section 10. Effective July 1, 2017, subsections (11) and  
82 (16) of section 177.091, Florida Statutes, are amended to read:

83 177.091 Plats made for recording.—Every plat of a  
84 subdivision offered for recording shall conform to the  
85 following:

86 (11) Each plat shall show a description of the lands  
87 subdivided, and the description shall be the same in the  
88 property information report ~~title certification~~. The description  
89 must be so complete that from it, without reference to the plat,  
90 the starting point and boundary can be determined.

91 (16) Location and width of proposed easements and existing  
92 easements identified in the title opinion or property  
93 information report ~~certification~~ required by s. 177.041(2) shall  
94 be shown on the plat or in the notes or legend, and their  
95 intended use shall be clearly stated. Where easements are not  
96 coincident with property lines, they must be labeled with  
97 bearings and distances and tied to the principal lot, tract, or



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98 right-of-way.

99 Section 11. Effective July 1, 2017, paragraph (a) of  
100 subsection (5) of section 197.502, Florida Statutes, is amended  
101 to read:

102 197.502 Application for obtaining tax deed by holder of tax  
103 sale certificate; fees.—

104 (5) (a) The tax collector may contract with a title company  
105 or an abstract company to provide the minimum information  
106 required in subsection (4), consistent with rules adopted by the  
107 department. If additional information is required, the tax  
108 collector must make a written request to the title or abstract  
109 company stating the additional requirements. The tax collector  
110 may select any title or abstract company, regardless of its  
111 location, as long as the fee is reasonable, the minimum  
112 information is submitted, and the title or abstract company is  
113 authorized to do business in this state. The tax collector may  
114 advertise and accept bids for the title or abstract company if  
115 he or she considers it appropriate to do so.

116 1. The property information ~~ownership and encumbrance~~  
117 report must include the letterhead of the person, firm, or  
118 company that makes the search, and the signature of the  
119 individual who makes the search or of an officer of the firm.  
120 The tax collector is not liable for payment to the firm unless  
121 these requirements are met. The report may be submitted to the  
122 tax collector in an electronic format.

123 2. The tax collector may not accept or pay for any title  
124 search or abstract if financial responsibility is not assumed  
125 for the search. However, reasonable restrictions as to the  
126 liability or responsibility of the title or abstract company are



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127 acceptable. Notwithstanding s. 627.7843(3), the tax collector  
128 may contract for higher maximum liability limits.

129         3. In order to establish uniform prices for property  
130 information ~~ownership and encumbrance~~ reports within the county,  
131 the tax collector must ensure that the contract for property  
132 information ~~ownership and encumbrance~~ reports include all  
133 requests for title searches or abstracts for a given period of  
134 time.

135         Section 12. Except as otherwise expressly provided in this  
136 act, this act shall take effect upon becoming a law.

137  
138 ===== T I T L E   A M E N D M E N T =====

139 And the title is amended as follows:

140         Delete line 25

141 and insert:

142         by the act; amending s. 627.7843, F.S.; defining the  
143 term "property information report" and replacing the  
144 term "ownership and encumbrance report"; deleting a  
145 prohibition and requirements relating to ownership and  
146 encumbrance reports; providing that a property  
147 information report does not include a title search  
148 performed solely for certain purposes; providing a  
149 contractual liability limitation for the issuer of a  
150 property information report; requiring certain  
151 disclosures in property information reports; providing  
152 applicability; amending ss. 177.041, 177.091, and  
153 197.502, F.S.; conforming provisions to changes made  
154 by the act; providing effective dates.

By the Committee on Banking and Insurance; and Senator Brandes

597-02140-17

2017454c1

1 A bill to be entitled  
 2 An act relating to the regulation of insurance  
 3 companies; amending s. 215.555, F.S.; deleting a  
 4 future repeal of an exemption of medical malpractice  
 5 insurance premiums from certain emergency assessments  
 6 by the State Board of Administration relating to the  
 7 Florida Hurricane Catastrophe Fund; amending s.  
 8 625.012, F.S.; revising the allowable assets of  
 9 insurers relating to specified levied assessments;  
 10 amending s. 627.062, F.S.; revising requirements for  
 11 certain rate filings by medical malpractice insurers;  
 12 amending s. 627.0645, F.S.; adding certain medical  
 13 malpractice insurance to casualty insurance excluded  
 14 from an annual base rate filing requirement for rating  
 15 organizations; amending s. 627.4035, F.S.; revising  
 16 the methods of paying premiums for insurance  
 17 contracts; authorizing an insurer to impose a  
 18 specified insufficient funds fee if certain premium  
 19 payment methods are returned, declined, or cannot be  
 20 processed; amending s. 627.421, F.S.; providing that  
 21 an electronically delivered document in an insurance  
 22 policy meets formatting requirements for printed  
 23 documents under certain conditions; amending s.  
 24 627.7295, F.S.; conforming provisions to changes made  
 25 by the act; providing an effective date.

26  
 27 Be It Enacted by the Legislature of the State of Florida:

28  
 29 Section 1. Paragraph (b) of subsection (6) of section

Page 1 of 10

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

597-02140-17

2017454c1

30 215.555, Florida Statutes, is amended to read:  
 31 215.555 Florida Hurricane Catastrophe Fund.—  
 32 (6) REVENUE BONDS.—  
 33 (b) *Emergency assessments*.—  
 34 1. If the board determines that the amount of revenue  
 35 produced under subsection (5) is insufficient to fund the  
 36 obligations, costs, and expenses of the fund and the  
 37 corporation, including repayment of revenue bonds and that  
 38 portion of the debt service coverage not met by reimbursement  
 39 premiums, the board shall direct the Office of Insurance  
 40 Regulation to levy, by order, an emergency assessment on direct  
 41 premiums for all property and casualty lines of business in this  
 42 state, including property and casualty business of surplus lines  
 43 insurers regulated under part VIII of chapter 626, but not  
 44 including any workers' compensation premiums or medical  
 45 malpractice premiums. As used in this subsection, the term  
 46 "property and casualty business" includes all lines of business  
 47 identified on Form 2, Exhibit of Premiums and Losses, in the  
 48 annual statement required of authorized insurers by s. 624.424  
 49 and any rule adopted under this section, except for those lines  
 50 identified as accident and health insurance and except for  
 51 policies written under the National Flood Insurance Program. The  
 52 assessment shall be specified as a percentage of direct written  
 53 premium and is subject to annual adjustments by the board in  
 54 order to meet debt obligations. The same percentage applies to  
 55 all policies in lines of business subject to the assessment  
 56 issued or renewed during the 12-month period beginning on the  
 57 effective date of the assessment.  
 58 2. A premium is not subject to an annual assessment under

Page 2 of 10

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

597-02140-17 2017454c1

59 this paragraph in excess of 6 percent of premium with respect to  
 60 obligations arising out of losses attributable to any one  
 61 contract year, and a premium is not subject to an aggregate  
 62 annual assessment under this paragraph in excess of 10 percent  
 63 of premium. An annual assessment under this paragraph continues  
 64 as long as the revenue bonds issued with respect to which the  
 65 assessment was imposed are outstanding, including any bonds the  
 66 proceeds of which were used to refund the revenue bonds, unless  
 67 adequate provision has been made for the payment of the bonds  
 68 under the documents authorizing issuance of the bonds.

69 3. Emergency assessments shall be collected from  
 70 policyholders. Emergency assessments shall be remitted by  
 71 insurers as a percentage of direct written premium for the  
 72 preceding calendar quarter as specified in the order from the  
 73 Office of Insurance Regulation. The office shall verify the  
 74 accurate and timely collection and remittance of emergency  
 75 assessments and shall report the information to the board in a  
 76 form and at a time specified by the board. Each insurer  
 77 collecting assessments shall provide the information with  
 78 respect to premiums and collections as may be required by the  
 79 office to enable the office to monitor and verify compliance  
 80 with this paragraph.

81 4. With respect to assessments of surplus lines premiums,  
 82 each surplus lines agent shall collect the assessment at the  
 83 same time as the agent collects the surplus lines tax required  
 84 by s. 626.932, and the surplus lines agent shall remit the  
 85 assessment to the Florida Surplus Lines Service Office created  
 86 by s. 626.921 at the same time as the agent remits the surplus  
 87 lines tax to the Florida Surplus Lines Service Office. The

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88 emergency assessment on each insured procuring coverage and  
 89 filing under s. 626.938 shall be remitted by the insured to the  
 90 Florida Surplus Lines Service Office at the time the insured  
 91 pays the surplus lines tax to the Florida Surplus Lines Service  
 92 Office. The Florida Surplus Lines Service Office shall remit the  
 93 collected assessments to the fund or corporation as provided in  
 94 the order levied by the Office of Insurance Regulation. The  
 95 Florida Surplus Lines Service Office shall verify the proper  
 96 application of such emergency assessments and shall assist the  
 97 board in ensuring the accurate and timely collection and  
 98 remittance of assessments as required by the board. The Florida  
 99 Surplus Lines Service Office shall annually calculate the  
 100 aggregate written premium on property and casualty business,  
 101 other than workers' compensation and medical malpractice,  
 102 procured through surplus lines agents and insureds procuring  
 103 coverage and filing under s. 626.938 and shall report the  
 104 information to the board in a form and at a time specified by  
 105 the board.

106 5. Any assessment authority not used for a particular  
 107 contract year may be used for a subsequent contract year. If,  
 108 for a subsequent contract year, the board determines that the  
 109 amount of revenue produced under subsection (5) is insufficient  
 110 to fund the obligations, costs, and expenses of the fund and the  
 111 corporation, including repayment of revenue bonds and that  
 112 portion of the debt service coverage not met by reimbursement  
 113 premiums, the board shall direct the Office of Insurance  
 114 Regulation to levy an emergency assessment up to an amount not  
 115 exceeding the amount of unused assessment authority from a  
 116 previous contract year or years, plus an additional 4 percent



597-02140-17

2017454c1

117 provided that the assessments in the aggregate do not exceed the  
118 limits specified in subparagraph 2.

119 6. The assessments otherwise payable to the corporation  
120 under this paragraph shall be paid to the fund unless the Office  
121 of Insurance Regulation and the Florida Surplus Lines Service  
122 Office received a notice from the corporation and the fund,  
123 which shall be conclusive and upon which they may rely without  
124 further inquiry, that the corporation has issued bonds and the  
125 fund has no agreements in effect with local governments under  
126 paragraph (c). On or after the date of the notice and until the  
127 date the corporation has no bonds outstanding, the fund shall  
128 have no right, title, or interest in or to the assessments,  
129 except as provided in the fund's agreement with the corporation.

130 7. Emergency assessments are not premium and are not  
131 subject to the premium tax, to the surplus lines tax, to any  
132 fees, or to any commissions. An insurer is liable for all  
133 assessments that it collects and must treat the failure of an  
134 insured to pay an assessment as a failure to pay the premium. An  
135 insurer is not liable for uncollectible assessments.

136 8. If an insurer is required to return an unearned premium,  
137 it shall also return any collected assessment attributable to  
138 the unearned premium. A credit adjustment to the collected  
139 assessment may be made by the insurer with regard to future  
140 remittances that are payable to the fund or corporation, but the  
141 insurer is not entitled to a refund.

142 9. If a surplus lines insured or an insured who has  
143 procured coverage and filed under s. 626.938 is entitled to the  
144 return of an unearned premium, the Florida Surplus Lines Service  
145 Office shall provide a credit or refund to the agent or such

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146 insured for the collected assessment attributable to the  
147 unearned premium before remitting the emergency assessment  
148 collected to the fund or corporation.

149 ~~10. The exemption of medical malpractice insurance premiums~~  
150 ~~from emergency assessments under this paragraph is repealed May~~  
151 ~~31, 2019, and medical malpractice insurance premiums shall be~~  
152 ~~subject to emergency assessments attributable to loss events~~  
153 ~~occurring in the contract years commencing on June 1, 2019.~~

154 Section 2. Subsection (15) of section 625.012, Florida  
155 Statutes, is amended to read:

156 625.012 "Assets" defined.—In any determination of the  
157 financial condition of an insurer, there shall be allowed as  
158 "assets" only such assets as are owned by the insurer and which  
159 consist of:

160 (15) (a) Assessments levied pursuant to s. 631.57(3) (a) and  
161 (e) or s. 631.914 which ~~that~~ are paid before policy surcharges  
162 are collected and result in a receivable for policy surcharges  
163 to be collected in the future. This amount, to the extent it is  
164 likely that it will be realized, meets the definition of an  
165 admissible asset as specified in the National Association of  
166 Insurance Commissioners' Statement of Statutory Accounting  
167 Principles No. 4. The asset shall be established and recorded  
168 separately from the liability regardless of whether it is based  
169 on a retrospective or prospective premium-based assessment. If  
170 an insurer is unable to fully recoup the amount of the  
171 assessment because of a reduction in writings or withdrawal from  
172 the market, the amount recorded as an asset shall be reduced to  
173 the amount reasonably expected to be recouped.

174 (b) Assessments levied as monthly installments pursuant to

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175 s. 631.57(3)(e)3. or s. 631.914 which ~~that~~ are paid after policy  
 176 surcharges are collected so that the recognition of assets is  
 177 based on actual premium written offset by the obligation to the  
 178 Florida Insurance Guaranty Association or the Florida Workers'  
 179 Compensation Insurance Guaranty Association, Incorporated.

180 Section 3. Paragraph (e) of subsection (7) of section  
 181 627.062, Florida Statutes, is amended to read:

182 627.062 Rate standards.—

183 (7) The provisions of this subsection apply only to rates  
 184 for medical malpractice insurance and control to the extent of  
 185 any conflict with other provisions of this section.

186 (e) For medical malpractice rates subject to paragraph  
 187 (2)(a), the medical malpractice insurer shall make an annual  
 188 base a rate filing in accordance with s. 627.0645 ~~under this~~  
 189 ~~section, sworn to by at least two executive officers of the~~  
 190 ~~insurer, at least once each calendar year.~~

191 Section 4. Subsection (1) of section 627.0645, Florida  
 192 Statutes, is amended to read:

193 627.0645 Annual filings.—

194 (1) Each rating organization filing rates for, and each  
 195 insurer writing, any line of property or casualty insurance to  
 196 which this part applies, except:

197 (a) Workers' compensation and employer's liability  
 198 insurance;

199 (b) Insurance as defined in ss. 624.604 and 624.605,  
 200 limited to coverage of commercial risks other than commercial  
 201 residential multiperil and medical malpractice insurance that is  
 202 subject to s. 627.062(2)(a) and (f); or

203 (c) Travel insurance, if issued as a master group policy

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204 with a situs in another state where each certificateholder pays  
 205 less than \$30 in premium for each covered trip and where the  
 206 insurer has written less than \$1 million in annual written  
 207 premiums in the travel insurance product in this state during  
 208 the most recent calendar year,

209 shall make an annual base rate filing for each such line with  
 210 the office no later than 12 months after its previous base rate  
 211 filing, demonstrating that its rates are not inadequate.

212 Section 5. Section 627.4035, Florida Statutes, is amended  
 213 to read:

214 627.4035 ~~Cash~~ Payment of premiums; claims.—

215 (1) (a) The premiums for insurance contracts issued in this  
 216 state or covering risk located in this state must ~~shall~~ be paid  
 217 in cash consisting of coins, currency, checks, electronic  
 218 checks, drafts, or money orders or by using a debit card, credit  
 219 card, automatic electronic funds transfer, or payroll deduction  
 220 plan. ~~By July 1, 2007,~~ Insurers issuing personal lines  
 221 residential and commercial property policies shall provide a  
 222 premium payment plan option to their policyholders which allows  
 223 for a minimum of quarterly and semiannual payment of premiums.  
 224 Insurers may, but are not required to, offer monthly payment  
 225 plans. Insurers issuing such policies must submit their premium  
 226 payment plan option to the office for approval before use.

227 (b) If, due to insufficient funds, a payment of premium  
 228 under this subsection by debit card, credit card, electronic  
 229 funds transfer, or electronic check is returned, is declined, or  
 230 cannot be processed, the insurer may impose an insufficient  
 231 funds fee of up to \$15 per occurrence pursuant to the policy  
 232

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233 terms.  
 234 (2) Subsection (1) is not applicable to:  
 235 (a) Reinsurance agreements;  
 236 (b) Pension plans;  
 237 (c) Premium loans, whether or not subject to an automatic  
 238 provision;  
 239 (d) Dividends, whether to purchase additional paid-up  
 240 insurance or to shorten the dividend payment period;  
 241 (e) Salary deduction plans;  
 242 (f) Preauthorized check plans;  
 243 (g) Waivers of premiums on disability;  
 244 (h) Nonforfeiture provisions affording benefits under  
 245 supplementary contracts; or  
 246 (i) Such other methods of paying for life insurance as may  
 247 be permitted by the commission pursuant to rule or regulation.  
 248 (3) All payments of claims made in this state under any  
 249 contract of insurance shall be paid:  
 250 (a) In cash consisting of coins, currency, checks, drafts,  
 251 or money orders and, if by check or draft, shall be in such form  
 252 as will comply with the standards for cash items adopted by the  
 253 Federal Reserve System to facilitate the sorting, routing, and  
 254 mechanized processing of such items; or  
 255 (b) If authorized in writing by the recipient or the  
 256 recipient's representative, by debit card or any other form of  
 257 electronic transfer. Any fees or costs to be charged against the  
 258 recipient must be disclosed in writing to the recipient or the  
 259 recipient's representative at the time of written authorization.  
 260 However, the written authorization requirement may be waived by  
 261 the recipient or the recipient's representative if the insurer

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262 verifies the identity of the insured or the insured's recipient  
 263 and does not charge a fee for the transaction. If the funds are  
 264 misdirected, the insurer remains liable for the payment of the  
 265 claim.  
 266 Section 6. Subsection (5) is added to section 627.421,  
 267 Florida Statutes, to read:  
 268 627.421 Delivery of policy.—  
 269 (5) An electronically delivered document satisfies any  
 270 font, size, color, spacing, or other formatting requirement for  
 271 printed documents if the format in the electronically delivered  
 272 document has reasonably similar proportions or emphasis of the  
 273 characters relative to the rest of the electronic document or is  
 274 otherwise displayed in a reasonably conspicuous manner.  
 275 Section 7. Subsection (9) of section 627.7295, Florida  
 276 Statutes, is amended to read:  
 277 627.7295 Motor vehicle insurance contracts.—  
 278 ~~(9) (a) In addition to the methods provided in s.~~  
 279 ~~627.4035(1), premium for motor vehicle insurance contracts~~  
 280 ~~issued in this state or covering risk located in this state may~~  
 281 ~~be paid in cash in the form of a draft or drafts.~~  
 282 ~~(b) If, due to insufficient funds, payment of premium under~~  
 283 ~~this subsection by debit card, credit card, electronic funds~~  
 284 ~~transfer, or electronic check is returned, is declined, or~~  
 285 ~~cannot be processed, the insurer may impose an insufficient~~  
 286 ~~funds fee of up to \$15 per occurrence pursuant to the policy~~  
 287 ~~terms.~~  
 288 Section 8. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/15/2017  
Meeting Date

454

Bill Number (if applicable)

852682

Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name GREG TURBEVILLE

Job Title \_\_\_\_\_

Address 403 E. PARK AVE  
Street

Phone 577-0444

TLH FL 32301  
City State Zip

Email greg@ballardfl.com

Speaking:  For  Against  Information

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

Representing BALLARD PARTNERS

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.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_ Bill Number (if applicable) 454  
Topic TITLE INS Amendment Barcode (if applicable) AMENDMENT

Name DOUGLAS MANG

Job Title \_\_\_\_\_

Address 1424 AEDMONT DR. Phone 509-2511

Street TRUNKHASTE City FL State FL Zip 32308 Email DMANG@MANG

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

Representing FIDELITY AMERICAN TITLE INS

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/15/2017

454

*Meeting Date*

*Bill Number (if applicable)*

Topic Reuglation of Insurance Companies

*Amendment Barcode (if applicable)*

Name Samantha Sexton

Job Title VP of Legislative and Regulatory Affairs

Address 215 S Monroe Street, Suite 835

Phone 321-544-1577

*Street*

Tallahassee

FL

32301

Email samantha.sexton@piff.net

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing Personal Insurance Federation 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)

3/15/17  
Meeting Date

454  
Bill Number (if applicable)

Topic Reg of Ins. Co.

Amendment Barcode (if applicable)

Name Mary Thomas

Job Title Assistant General Counsel

Address 1430 Piedmont Dr E

Phone 850 224 6496

Street

TLH  
City

FL  
State

32308  
Zip

Email MThomas@flmedical.org

Speaking:  For  Against  Information

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

Representing Florida Medical Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Denise Grimsley,  
Appropriation Subcommittee on  
General Government

**Subject:** Committee Agenda Request

**Date:** March 6<sup>th</sup>, 2017

---

I respectfully request that **Senate Bill #454**, relating to **Regulation of Insurance Companies**, 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", written over a horizontal line.

Senator Jeff Brandes

Florida Senate, District 24



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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

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**BILL:** PCS/SB 7000 (563562)

**INTRODUCER:** Appropriations Subcommittee on General Government; Community Affairs Committee; and Senator Perry

**SUBJECT:** Florida Building Commission

**DATE:** March 17, 2017      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Present</u>	<u>Yeatman</u>		<b>CA Submitted as Committee Bill</b>
1.	<u>Davis</u>	<u>Betta</u>	<u>AGG</u>	<b>Recommend: Fav/CS</b>
2.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

PCS/SB 7000 changes the process by which revisions are made to the Florida Building Code.

Current law requires the Florida Building Commission (commission) to revise the Florida Building Code every three years to automatically adopt the most recent versions of the International Code Council I-Codes (I-Codes) and the International Energy Conservation Code (IECC) into the foundation of the Florida Building Code. Additionally, under current law, amendments and modifications to the Florida Building Code only remain in effect until the effective date of a new edition of the Florida Building Code.

Under the new process, the commission will start with the current Florida Building Code, evaluate the changes made in the I-Codes and the IECC, and adopt changes the commission deems appropriate. However, the commission must adopt any provision from the I-Codes, the National Electrical Code, or any other code necessary to maintain eligibility for federal funding from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development and maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction. If amendments or modifications are made to the Florida Building Code, those amendments and modifications will be carried forward until the next edition of the Florida Building Code. The Florida Building Code updating process will remain on a three-year cycle.

In addition, the bill provides that a technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government is not rendered void when the Florida Building Code is updated if the amendment is necessary to protect or provide for more efficient use of water resources as provided in s. 373.621, F.S. However, any such technical amendment carried forward into the next edition of the Florida Building Code is subject to review or modification.

The bill also requires the commission to adopt the Florida Building Code by a three-fourths vote of the members present. However, a technical advisory committee may favorably recommend a proposal to the commission with a two-thirds vote of the members present only.

The bill has an insignificant fiscal impact to the Department of Business and Professional Regulation (DBPR), which can be handled with existing resources. See Section V. Fiscal Impact Statement.

## II. Present Situation:

### The Florida Building Code and the Florida Building Commission

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code that would ensure minimum standards for the public's health and safety. Four separate model codes were available that local governments could consider and adopt. In that system, the state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.<sup>1</sup>

In 1996, a study commission was appointed to review the system of local codes created by the 1974 law and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code, and that first edition replaced all local codes on March 1, 2002. In 2004, for the second edition of the Florida Building Code, the state adopted the I-Codes.<sup>2</sup> All subsequent Florida Building Codes have been adopted utilizing the I-Codes as the base code. The most recent Florida Building Code is the fifth edition, which is referred to as the 2014 Florida Building Code. The 2014 Florida Building Code went into effect June 30, 2015.<sup>3</sup>

The commission was statutorily created to implement the Florida Building Code. The commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 27-member technical body responsible for the development, maintenance, and interpretation of the Florida Building Code. The commission also approves products for statewide acceptance. Members are appointed by the Governor and confirmed by the Senate and include design professionals, contractors, and government experts in the various disciplines covered by the Florida Building Code.<sup>4</sup>

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<sup>1</sup> The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, available at [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Jan. 18, 2017).

<sup>2</sup> The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." The ICC publishes I-Codes: a complete set of model comprehensive, coordinated building safety and fire prevention codes, for all aspects of construction, that have been developed by ICC members. All 50 states have adopted the I-Codes.

<sup>3</sup> Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Jan. 18, 2017).

<sup>4</sup> Section 553.74, F.S.

Most substantive issues before the commission are vetted through a workgroup process. Consensus recommendations are developed and submitted by appointed representative stakeholder groups in an open process with several opportunities for public input.

According to the commission,

General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on substantive decisions, and the Commission finds that 100 percent acceptance or support is not achievable, final decisions require at least 75 percent favorable vote of all members present and voting.<sup>5</sup>

### **Building Code Cycle**

Pursuant to s. 553.73(7)(a), F.S., the commission must update the Florida Building Code every three years. When updating the Florida Building Code, the commission is required to use the most current version of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, the International Residential Code, and the International Electrical Code. These I-Codes form the foundation codes of the updated Florida Building Code.

Any amendments or modifications to the foundation codes found within the Florida Building Code remain in effect only until the effective date of a new edition of the Florida Building Code, every three years.<sup>6</sup> At that point, the amendments or modifications to the foundation codes are removed, unless the amendments or modifications are related to state agency regulations or are related to the wind-resistance design of buildings and structures within the high-velocity hurricane zone of Miami-Dade and Broward Counties, which are carried forward into the next edition of the Florida Building Code.

When a provision of the current Florida Building Code is not part of the foundation codes, an industry member or another interested party must resubmit the provision to the commission during the Florida Building Code adoption process in order to be considered for the next edition of the Florida Building Code.<sup>7</sup>

### **Amendments between Cycles**

Section 553.73(8), F.S., authorizes the commission to approve amendments pursuant to the rule adoptions procedure in ch. 120, F.S., which are needed to address:

- Conflicts within the updated Florida Building Code;

---

<sup>5</sup> Florida Building Commission, Florida Building Commission Consensus-Building Process, *available at* [http://www.floridabuilding.org/fbc/commission/FBC\\_0608/Commission/FBC\\_Discussion\\_and\\_Public\\_Input\\_Processes.htm](http://www.floridabuilding.org/fbc/commission/FBC_0608/Commission/FBC_Discussion_and_Public_Input_Processes.htm) (last visited Jan. 18, 2017).

<sup>6</sup> Section 553.73(7)(g), F.S.

<sup>7</sup> Section 553.73(7)(g), F.S.

- Conflicts between the updated Florida Building Code and the Florida Fire Prevention Code adopted pursuant to ch. 633, F.S.;
- Unintended results from the integration of the previously adopted Florida-specific amendments;
- Equivalency of standards;
- Changes to or inconsistencies with federal or state law; or
- Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

However, the commission may not approve amendments that would weaken the construction requirements relating to wind resistance or the prevention of water intrusion.

The commission may also approve technical amendments to the Florida Building Code once a year for statewide or regional application if the amendment:<sup>8</sup>

- Is needed in order to accommodate the specific needs of Florida.
- Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
- Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
- Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
- Does not degrade the effectiveness of the Florida Building Code.

### **The 6<sup>th</sup> Edition of the Florida Building Code**

The commission is currently conducting its rule development process for the 6<sup>th</sup> Edition of the Florida Building Code. Under s. 553.73(7)(e), F.S., a rule updating the Florida Building Code does not take effect until six months after the publication of the updated Florida Building Code. The 6<sup>th</sup> Edition of the Florida Building Code is tentatively expected to go into effect on December 31, 2017.<sup>9</sup>

The 6<sup>th</sup> Edition of the Florida Building Code will incorporate the latest version of the I-Codes (2015). The next edition of the I-Codes will be the 2018 I-Codes.

### **Voting Processes for the Technical Advisory Committees and the Commission**

Under s. 553.73(3)(b), F.S., in order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a three-fourths vote of the members present at the meeting, and at least half of the regular members must be present in order to conduct the meeting.

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<sup>8</sup> Section 553.73(9), F.S.

<sup>9</sup> 6<sup>th</sup> Edition (2017) FBC Code Update Development Tasks, *available at* [http://www.floridabuilding.org/fbc/thecode/2017\\_Code\\_Development/Timelines/FBC\\_WorkplanOption1-2015.pdf](http://www.floridabuilding.org/fbc/thecode/2017_Code_Development/Timelines/FBC_WorkplanOption1-2015.pdf) (Last visited Jan. 18, 2017).

The Florida Administrative Code, under 61G20-2.002(7), F.A.C., provides a similar requirement for votes taken by the commission. Specifically, the provision provides that “the decision of the commission to approve a proposed amendment shall be by 75% vote. Those proposals failing to meet the vote requirement shall not be adopted.”

### III. Effect of Proposed Changes:

**Section 1** amends s. 553.73, F.S., to require the commission to use the 6<sup>th</sup> Edition of the Florida Building Code as the foundation for the Florida Building Code. The commission is required to consider whether the Florida Building Code needs to be revised and to adopt code revisions by rule. When evaluating potential revisions to the Florida Building Code, the commission shall review, rather than automatically adopt, the I-Codes every three years. At a minimum, the commission must adopt any provision from the I-Codes, the National Electric Code, or any other code that is necessary to maintain eligibility for federal funding from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission shall also review the International Energy Conservation Code; however, the commission must maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction pursuant to s. 553.901, F.S.

Amendments and modifications, other than local amendments under s. 553.73(4), F.S., to the Florida Building Code, will now remain effective when a new edition of the Florida Building Code is published.

In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a two-thirds vote of the members present at the meeting. Current law requires a three-fourths vote of the members present at the meeting.

The bill also provides that a technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government is not rendered void when the Florida Building Code is updated if the amendment is necessary to protect or provide for more efficient use of water resources as provided in s. 373.621, F.S. However, any such technical amendment carried forward into the next edition of the Florida Building Code is subject to review or modification.

The bill removes references to Florida-specific amendments because the entire building code will now be Florida-specific. The bill also makes other conforming and clarifying changes in terminology.

**Section 2** amends s. 553.76, F.S., to require the commission to adopt the Florida Building Code, and amendments thereto, by a three-fourths vote of the members present.

**Section 3** provides an effective date of 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:

None.

## B. Private Sector Impact:

Under PCS/SB 7000, builders and building code officials may benefit from the increased continuity of the Florida Building Code and increased transparency of the code adoption process.

The DBPR noted, “not adopting the international model codes/standards, as the foundation code, could lead to a gap between national construction standards and those used in Florida, which could impact insurance rates in Florida.”<sup>10</sup>

## C. Government Sector Impact:

The commission will have to review each change to the I-Codes and the IECC individually rather than approving wholesale changes to the Florida Building Code. However, the DBPR stated the changes in the bill could be accomplished with current resources.<sup>11</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>10</sup> See 2017 Agency Legislative Bill Analysis (AGENCY: Department of Business and Professional Regulation) for SPB 7000, dated January 23, 2017 (on file with Senate Appropriations Subcommittee on General Government) at page 5.

<sup>11</sup> *Id.* at page 3.

**VIII. Statutes Affected:**

This bill substantially amends sections 553.73 and 553.76 of the Florida Statutes.

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

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

**Recommended CS by Appropriations Subcommittee on General Government on March 15, 2017:**

- Requires the commission to adopt any provision from the I-Codes, the National Electrical Code, or any other code necessary to maintain eligibility for federal funding from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development.
- Provides that a technical advisory committee must receive a two-thirds vote, rather than a three-fourths vote, of the members present at the meeting in order to make a favorable recommendation to the commission.
- Provides that a technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government is not rendered void when the Florida Building Code is updated if the amendment is necessary to protect or provide for more efficient use of water resources. However, any carried forward technical amendment is subject to review or modification under certain circumstances.

**B. Amendments:**

None.



248858

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
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	.	
	.	

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Appropriations Subcommittee on General Government (Campbell)  
recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 64 and 65

insert:

(4)

(d) A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government pursuant to this subsection is not rendered void when the code is updated if the technical





248858

10 amendment is necessary to protect or provide for more efficient  
11 use of water resources as provided in s. 373.621. However, any  
12 such technical amendment carried forward into the next edition  
13 of the code pursuant to this paragraph is subject to review or  
14 modification as provided in this part.

15  
16 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

17 And the directory clause is amended as follows:

18 Delete lines 27 - 29

19 and insert:

20 Section 1. Subsection (3) of section 553.73, Florida  
21 Statutes, is amended, paragraph (d) is added to subsection (4)  
22 of that section, and subsections (7) and (8) and paragraphs (a)  
23 and (b) of subsection (9) of that section are amended, to read:

24  
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete line 6

28 and insert:

29 development of and updates to the code; providing that  
30 certain technical amendments to the Florida Building  
31 Code which are adopted by a local government are not  
32 rendered void when the code is updated; specifying  
33 that such amendments are subject to review or  
34 modification if carried forward into the next edition  
35 of the code; requiring the



635828

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
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Appropriations Subcommittee on General Government (Garcia)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete line 48

and insert:

receive a two-thirds ~~three-fourths~~ vote of the members present  
at the

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

And the title is amended as follows:

Delete line 6



635828

11 and insert:  
12       development of and updates to the code; revising  
13       voting requirements for a technical advisory committee  
14       to make a favorable recommendation to the commission;  
15       requiring the



582478

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
	.	
	.	
	.	

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Appropriations Subcommittee on General Government (Garcia)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete line 76

and insert:

the National Fire Protection Association. At a minimum, the  
commission must adopt any provision from such codes or any other  
code necessary to maintain eligibility for federal funding from  
the National Flood Insurance Program, the Federal Emergency  
Management Agency, and the United States Department of Housing  
and Urban Development, ~~to form the foundation~~



582478

11  
12  
13  
14  
15  
16  
17  
18

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

And the title is amended as follows:

Delete line 8

and insert:

Building Code every 3 years; requiring the commission  
to adopt specified provisions from certain codes;  
deleting a provision that

By the Committee on Community Affairs

578-00930-17

20177000\_\_

A bill to be entitled

An act relating to the Florida Building Commission; amending s. 553.73, F.S.; requiring the commission to use the 6th edition, and subsequent editions, of the Florida Building Code as the foundation for the development of and updates to the code; requiring the commission to review, rather than update, the Florida Building Code every 3 years; deleting a provision that specifies how long amendments or modifications to the foundation remain effective; deleting provisions limiting how long an amendment or modification is effective; deleting a provision requiring certain amendments or modifications to be carried forward into the next edition of the code, subject to certain conditions; deleting certain requirements for the resubmission of expired amendments; deleting a provision prohibiting a proposed amendment from being included in the foundation if it has been addressed in the international code; conforming provisions to changes made by the act; amending s. 553.76, F.S.; requiring the commission to adopt the Florida Building Code, and amendments thereto, by a minimum percentage of votes; providing an effective date.

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

Section 1. Subsections (3), (7), and (8) of section 553.73, Florida Statutes, and paragraphs (a) and (b) of subsection (9) of that section, are amended to read:

553.73 Florida Building Code.—

(3) The commission shall use the 6th edition, and subsequent editions, of the Florida Building Code as the

578-00930-17

20177000\_\_

~~International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards needed to develop the base code in Florida to form the foundation for the development of and updates to the Florida Building Code. The Florida Building~~ commission may approve technical amendments to the code as provided in, subject to subsections (8) and (9), ~~after the amendments have been~~ subject to all of the following conditions:

(a) The proposed amendment must have ~~has~~ been published on the commission's website for a minimum of 45 days and all the associated documentation must have ~~has~~ been made available to any interested party before ~~any~~ consideration by a technical advisory committee.†

(b) In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a three-fourths vote of the members present at the ~~technical advisory committee meeting.~~ and At least half of the regular members must be present in order to conduct a meeting.†

(c) After the technical advisory committee has considered and recommended ~~consideration and a recommendation for~~ approval of any proposed amendment, the proposal must be published on the commission's website for at least 45 days before ~~any~~ consideration by the commission.† and

(d) A proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within ~~sections of~~ the Florida Building Code provisions that which address regional and local

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62 concerns and variations. The commission shall make every effort  
63 to minimize conflicts between the Florida Building Code, the  
64 Florida Fire Prevention Code, and the Life Safety Code.

65 (7) (a) The commission, by rule ~~adopted pursuant to ss.~~  
66 ~~120.536(1) and 120.54~~, shall review update the Florida Building  
67 Code every 3 years to consider whether it needs to be revised.  
68 The commission shall adopt code revisions by rule. When  
69 evaluating potential revisions to updating the Florida Building  
70 Code, the commission shall review select the most current  
71 version of the International Building Code, the International  
72 Fuel Gas Code, the International Mechanical Code, the  
73 International Plumbing Code, and the International Residential  
74 Code, all of which are adopted by the International Code  
75 Council, and the National Electrical Code, which is adopted by  
76 the National Fire Protection Association, ~~to form the foundation~~  
77 ~~codes of the updated Florida Building Code, if the version has~~  
78 ~~been adopted by the applicable model code entity.~~ The commission  
79 shall also review select the most current version of the  
80 International Energy Conservation Code (IECC) ~~as a foundation~~  
81 ~~code; however, the IECC shall be modified by the commission must~~  
82 ~~to~~ maintain the efficiencies of the Florida Energy Efficiency  
83 Code for Building Construction adopted and amended pursuant to  
84 s. 553.901.

85 (b) Codes regarding noise contour lines shall be reviewed  
86 annually, and the most current federal guidelines shall be  
87 adopted.

88 (c) The commission may adopt as a technical amendment to  
89 the Florida Building Code ~~modify~~ any portion of the ~~foundation~~  
90 codes identified in paragraph (a) only as needed to accommodate

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91 the specific needs of this state. Standards or criteria adopted  
92 from such ~~referenced by the~~ codes shall be incorporated by  
93 reference to the specific provisions of such codes which are  
94 adopted. If a referenced standard or criterion requires  
95 amplification or modification to be appropriate for use in this  
96 state, only the amplification or modification shall be set forth  
97 in the Florida Building Code. The commission may approve  
98 technical amendments to the updated Florida Building Code after  
99 the amendments have been subject to the conditions set forth in  
100 paragraphs (3) (a)-(d). Amendments that to the foundation codes  
101 ~~which~~ are adopted in accordance with this subsection shall be  
102 clearly marked in printed versions of the Florida Building Code  
103 so that the fact that the provisions are Florida specific  
104 amendments ~~to the foundation codes~~ is readily apparent.

105 (d) The commission shall further consider the commission's  
106 own interpretations, declaratory statements, appellate  
107 decisions, and approved statewide and local technical amendments  
108 and shall incorporate such interpretations, statements,  
109 decisions, and amendments into the updated Florida Building Code  
110 only to the extent that they are needed to ~~modify the foundation~~  
111 ~~codes to~~ accommodate the specific needs of the state. A change  
112 made by an institute or standards organization to any standard  
113 or criterion that is adopted by reference in the Florida  
114 Building Code does not become effective statewide until it has  
115 been adopted by the commission. Furthermore, the edition of the  
116 Florida Building Code which is in effect on the date of  
117 application for any permit authorized by the code governs the  
118 permitted work for the life of the permit and any extension  
119 granted to the permit.

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120 (e) A rule updating the Florida Building Code in accordance  
 121 with this subsection shall take effect no sooner than 6 months  
 122 after publication of the updated code. Any amendment to the  
 123 Florida Building Code which is adopted upon a finding by the  
 124 commission that the amendment is necessary to protect the public  
 125 from immediate threat of harm takes effect immediately.

126 (f) Provisions of the Florida Building Code foundation  
 127 codes, including those contained in referenced standards and  
 128 criteria, relating to wind resistance or the prevention of water  
 129 intrusion may not be modified to diminish those construction  
 130 requirements; however, the commission may, subject to conditions  
 131 in this subsection, modify the provisions to enhance those  
 132 construction requirements.

133 ~~(g) Amendments or modifications to the foundation code~~  
 134 ~~pursuant to this subsection shall remain effective only until~~  
 135 ~~the effective date of a new edition of the Florida Building Code~~  
 136 ~~every third year. Amendments or modifications related to state~~  
 137 ~~agency regulations which are adopted and integrated into an~~  
 138 ~~edition of the Florida Building Code shall be carried forward~~  
 139 ~~into the next edition of the code, subject to modification as~~  
 140 ~~provided in this part. Amendments or modifications related to~~  
 141 ~~the wind resistance design of buildings and structures within~~  
 142 ~~the high-velocity hurricane zone of Miami-Dade and Broward~~  
 143 ~~Counties which are adopted to an edition of the Florida Building~~  
 144 ~~Code do not expire and shall be carried forward into the next~~  
 145 ~~edition of the code, subject to review or modification as~~  
 146 ~~provided in this part. If amendments that expire pursuant to~~  
 147 ~~this paragraph are resubmitted through the Florida Building~~  
 148 ~~commission code adoption process, the amendments must~~

Page 5 of 9

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

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149 ~~specifically address whether:~~

150 1. ~~The provisions contained in the proposed amendment are~~  
 151 ~~addressed in the applicable international code.~~

152 2. ~~The amendment demonstrates by evidence or data that the~~  
 153 ~~geographical jurisdiction of Florida exhibits a need to~~  
 154 ~~strengthen the foundation code beyond the needs or regional~~  
 155 ~~variations addressed by the foundation code, and why the~~  
 156 ~~proposed amendment applies to this state.~~

157 3. ~~The proposed amendment was submitted or attempted to be~~  
 158 ~~included in the foundation codes to avoid resubmission to the~~  
 159 ~~Florida Building Code amendment process.~~

160

161 ~~If the proposed amendment has been addressed in the~~  
 162 ~~international code in a substantially equivalent manner, the~~  
 163 ~~Florida Building commission may not include the proposed~~  
 164 ~~amendment in the foundation Code.~~

165 (8) Notwithstanding the provisions of subsection (3) or  
 166 subsection (7), the commission may address issues identified in  
 167 this subsection by amending the code pursuant only to the rule  
 168 adoption procedures contained in chapter 120. Provisions of The  
 169 Florida Building Code, including provisions ~~these~~ contained in  
 170 referenced standards and criteria ~~which relate,~~ relating to wind  
 171 resistance or the prevention of water intrusion, may not be  
 172 amended pursuant to this subsection to diminish those standards  
 173 construction requirements; however, the commission may, ~~subject~~  
 174 ~~to conditions in this subsection,~~ amend the Florida Building  
 175 Code the provisions to enhance such standards ~~those construction~~  
 176 requirements. Following the approval of any amendments to the  
 177 Florida Building Code by the commission and publication of the

Page 6 of 9

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



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178 amendments on the commission's website, authorities having  
 179 jurisdiction to enforce the Florida Building Code may enforce  
 180 the amendments. The commission may approve amendments that are  
 181 needed to address:

182 (a) Conflicts within the updated code;

183 (b) Conflicts between the updated code and the Florida Fire  
 184 Prevention Code adopted pursuant to chapter 633;

185 (c) Unintended results from the integration of previously  
 186 adopted ~~Florida-specific~~ amendments with the model code;

187 (d) Equivalency of standards;

188 (e) Changes to or inconsistencies with federal or state  
 189 law; or

190 (f) Adoption of an updated edition of the National  
 191 Electrical Code if the commission finds that delay of  
 192 implementing the updated edition causes undue hardship to  
 193 stakeholders or otherwise threatens the public health, safety,  
 194 and welfare.

195 (9) (a) The commission may approve technical amendments to  
 196 the Florida Building Code once each year for statewide or  
 197 regional application upon a finding that the amendment:

198 1. Is needed in order to accommodate the specific needs of  
 199 this state.

200 2. Has a reasonable and substantial connection with the  
 201 health, safety, and welfare of the general public.

202 3. Strengthens or improves the Florida Building Code, or in  
 203 the case of innovation or new technology, will provide  
 204 equivalent or better products or methods or systems of  
 205 construction.

206 4. Does not discriminate against materials, products,

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207 methods, or systems of construction of demonstrated  
 208 capabilities.

209 5. Does not degrade the effectiveness of the Florida  
 210 Building Code.

211

212 The Florida Building Commission may approve technical amendments  
 213 to the code once each year to incorporate into the Florida  
 214 Building Code its own interpretations of the code which are  
 215 embodied in its opinions, final orders, declaratory statements,  
 216 and interpretations of hearing officer panels under s.  
 217 553.775(3)(c), but only to the extent that the incorporation of  
 218 interpretations is needed to modify the code ~~foundation codes~~ to  
 219 accommodate the specific needs of this state. Amendments  
 220 approved under this paragraph shall be adopted by rule after the  
 221 amendments have been subjected to subsection (3).

222 (b) A proposed amendment must include a fiscal impact  
 223 statement that documents the costs and benefits of the proposed  
 224 amendment. Criteria for the fiscal impact statement shall be  
 225 established by rule by the commission and shall include the  
 226 impact to local government relative to enforcement, the impact  
 227 to property and building owners, and the impact to industry,  
 228 relative to the cost of compliance. The amendment must  
 229 demonstrate by evidence or data that the state's geographical  
 230 jurisdiction exhibits a need to strengthen the ~~foundation~~ code  
 231 beyond the needs or regional variations addressed by the  
 232 ~~foundation~~ code and why the proposed amendment applies to this  
 233 state.

234 Section 2. Subsection (2) of section 553.76, Florida  
 235 Statutes, is amended to read:

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236 553.76 General powers of the commission.—The commission is  
237 authorized to:

238 (2) Issue memoranda of procedure for its internal  
239 management and control. The commission may adopt rules related  
240 to its consensus-based decisionmaking process, including, but  
241 not limited to, super majority voting requirements ~~for~~  
242 ~~commission actions relating to the adoption of the Florida~~  
243 ~~Building Code or amendments to the code. However, the commission~~  
244 must adopt the Florida Building Code, and amendments thereto, by  
245 at least a three-fourths vote of the members present at a  
246 meeting.

247 Section 3. 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)

3-15-17

Meeting Date

7000

Bill Number (if applicable)

248858

Amendment Barcode (if applicable)

Topic Florida Building Code

Name Marty Cassini

Job Title Legislative Counsel

Address 115 S. Andrews Ave

Phone 954-357-7575

Street

Fort Lauderdale

Email mcassini@broward.org

City

State

Zip

Speaking:  For  Against  Information

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

Representing Broward County

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.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

3-15-17

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

SB 7000

Meeting Date

Bill Number (if applicable)

Topic

BUILDING CODES

GARCIA Amendments

Amendment Barcode (if applicable)

Name

MARI HEBRANK

582478  
635828

Job Title

Address

113 East College Ave

Phone

Street

Tallahassee FL 32301

Email

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

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

Representing

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/15

Meeting Date

7000

Bill Number (if applicable)

Topic Building Codes

Amendment Barcode (if applicable)

Name Greg Black

Job Title Attorney

Address 115 S. Monroe St, Ste 206  
Street

Phone 205-9000

TLH FL 32301  
City State Zip

Email greg.black@MADfirm.com

Speaking:  For  Against  Information

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

Representing ASC

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/15/17  
Meeting Date

7000  
Bill Number (if applicable)

Topic Build Codes Process

Amendment Barcode (if applicable)

Name Rusty Payton

Job Title CEO

Address 2600 Centennial Place

Phone 567-1073

Street

Tallahassee FL 32317

City

State

Zip

Email rpayton@fhba.com

Speaking:  For  Against  Information

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

Representing FL Home Builders 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.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-15-17

Meeting Date

7000

Bill Number (if applicable)

Topic Building Code

Amendment Barcode (if applicable)

Name Marty Cassini

Job Title Legislative Counsel

Address 119 S. Andrew Ave  
Street

Phone 954-357-7575

Fort Lauderdale FL 33442  
City State Zip

Email mcassini@broward.org

Speaking:  For  Against  Information

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

Representing Broward County

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.**

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-15-17

Meeting Date

26 1000

Bill Number (if applicable)

Topic BUILDING CODE PROCESS

Amendment Barcode (if applicable)

Name KARI HERBANK

Job Title

Address 113 EAST COLLEGE AVE

Phone 566-7824

Tallahassee FL 32301

Email kherbank@wilsonmgmt.com

Speaking: [X] For [ ] Against [ ] Information

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

Representing FLORIDA HOME BUILDERS

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/15/2017  
Meeting Date

7000  
Bill Number (if applicable)

Topic BUILDING CODE

Amendment Barcode (if applicable)

Name SARA YERKES ("YER-KEYS")

Job Title SR VP

Address 500 NEW JERSEY AVE NW; 6th FL Phone 202-370-1800

Street City State Zip Washington DC 20001 Email

Speaking:  For  Against  Information

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

Representing INTERNATIONAL CODE COUNCIL

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/15/17  
Meeting Date

7000  
Bill Number (if applicable)

Topic Building Code

Amendment Barcode (if applicable)

Name Allen Douglas

Job Title Executive Director

Address 125 S. Gadsden St

Phone 224 7121

Street

Tallahassee FL 32301

Email allen@fleng.org

City

State

Zip

Speaking:  For  Against  Information

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

Representing Florida Engineering Society

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-15-17

Meeting Date

7000

Bill Number (if applicable)

Topic Building Code

Amendment Barcode (if applicable)

Name Natalie King

Job Title VP

Address 235 W Brandon Blvd 420

Phone 813 924 8218

Street

natalie@rsaconn.com

Brandon FL 33511

Email NatalieKing

City

State

Zip

Speaking:  For  Against  Information

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

Representing Highland Homes

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

## THE FLORIDA SENATE

**APPEARANCE RECORD**

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

3/15/2017

Meeting Date

SB 7000

Bill Number (if applicable)

N/ATopic Florida Building Commission

Amendment Barcode (if applicable)

Name Mike HueyJob Title AttorneyAddress 301 S. Bronough Street, Ste. 600Phone (850) 577-9090

Street

TallahasseeFL32301Email mike.huey@gray-robinson.com

City

State

Zip

Speaking:  For  Against  InformationWaive Speaking:  In Support  Against  
(The Chair will read this information into the record.)Representing Florida Association of the American Institute of ArchitectsAppearing at request of Chair:  Yes  NoLobbyist registered with Legislature:  Yes  No*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.****This form is part of the public record for this meeting.***

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3-15-17  
Meeting Date

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

7000  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Dale Calhoun

Job Title \_\_\_\_\_

Address 201 S Monroe St Unit A

Phone 850 681 0496

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 Florida Natural Gas Association & Florida Propane Gas 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.

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**APPEARANCE RECORD**

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

March 15, 2017

*Meeting Date*

7000

*Bill Number (if applicable)*Topic Florida Building Commission*Amendment Barcode (if applicable)*Name Eric PrutsmanJob Title Florida Fire Marshals & Inspectors Assn. & FL Fire Chiefs Assn.Address P. O. Box 10448Phone 850-894-6601*Street*TallahasseeFL32302Email eric@prutsmanlaw.com*City**State**Zip*Speaking:  For  Against  InformationWaive Speaking:  In Support  Against  
(The Chair will read this information into the record.)Representing Florida Fire Marshals & Inspectors Association & Florida Fire Chiefs AssociationAppearing at request of Chair:  Yes  NoLobbyist registered with Legislature:  Yes  No*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.****This form is part of the public record for this meeting.***

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)

Mar. 15, 2017  
Meeting Date

SB 7000  
Bill Number (if applicable)

Topic Building Code

Amendment Barcode (if applicable)

Name Liz Reynolds

Job Title State Affairs Director - Southeast Region

Address 3933 Victoria Lakes Dr. South

Phone (317) 417-5618

Jacksonville FL 32226  
City State Zip

Email lreynolds@namic.org

Speaking:  For  Against  Information

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

Representing National Association of Mutual Insurance Cos.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/15/17  
Meeting Date

SB 7000  
Bill Number (if applicable)

Topic Fla. Building Code

Amendment Barcode (if applicable)

Name Deborah F Lawson

Job Title \_\_\_\_\_

Address P.O. Box 12277

Phone 850.570.0033

Street  
Tallah FL 32317

Email lawson.deborah.e@gmail.com

City State Zip

Speaking:  For  Against  Information

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

Representing Fla Roof Deck Assn.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-15-17  
Meeting Date

7000  
Bill Number (if applicable)

Topic Building Code

Amendment Barcode (if applicable)

Name Gary Guzzo

Job Title \_\_\_\_\_

Address 108 S. Monroe St

Phone \_\_\_\_\_

Tallahassee Fla 32301  
City State Zip

Email gguzzo@flapertmas.com

Speaking:  For  Against  Information

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

Representing Florida Insurance Council

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.**

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/15/17

Meeting Date

57000

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Gerald Wester

Job Title \_\_\_\_\_

Address 101 E College Ave

Phone 850 445

Street

Tall

City

FL

State

32312

Zip

Email G.Wester@edcityconst

Speaking:  For  Against  Information

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

Representing American Insurance Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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The Florida Senate

## Committee Agenda Request

**To:** Senator Denise Grimsley, Chair  
Appropriations Subcommittee on General Government

**Subject:** Committee Agenda Request

**Date:** February, 9<sup>th</sup> 2017

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I respectfully request that **Senate Bill #7000**, relating to the Florida Building Commission, be placed on the:

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

A handwritten signature in blue ink that reads "Tom Lee".

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Senator Tom Lee  
Florida Senate, District 20

# CourtSmart Tag Report

**Room:** EL 110  
**Caption:** Senate Appropriations SubCommittee on General Government

**Case No.:**

**Type:**  
**Judge:**

**Started:** 3/15/2017 4:00:30 PM

**Ends:** 3/15/2017 5:00:28 PM

**Length:** 00:59:59

4:00:28 PM Sen. Grimsley (Chair)  
4:00:58 PM S 370  
4:01:02 PM Sen. Stargel  
4:01:23 PM Sen. Grimsley  
4:01:28 PM Am. 803880  
4:01:31 PM Sen. Stargel  
4:01:44 PM Sen. Grimsley  
4:01:51 PM S 370 (cont.)  
4:02:02 PM Sen. Stargel  
4:02:05 PM Sen. Grimsley  
4:02:33 PM S 114  
4:02:42 PM Sen. Brandes  
4:03:15 PM Sen. Grimsley  
4:03:20 PM Sen. Rodriguez  
4:03:41 PM Sen. Brandes  
4:03:53 PM Sen. Grimsley  
4:04:00 PM John Ray, Seychelles Organic, Inc. (waives in support)  
4:04:19 PM S 362  
4:04:34 PM Sen. Brandes  
4:05:28 PM Sen. Grimsley  
4:05:36 PM Am. 429346  
4:05:42 PM Sen. Brandes  
4:05:58 PM Sen. Grimsley  
4:06:06 PM S 362 (cont.)  
4:06:19 PM James Taylor, Executive Director, Florida Technology Council (waives in support)  
4:06:52 PM S 454  
4:06:55 PM Sen. Brandes  
4:07:43 PM Sen. Grimsley  
4:07:49 PM Am. 852682  
4:07:59 PM Sen. Brandes  
4:08:18 PM Sen. Grimsley  
4:08:28 PM Greg Turbeville, Ballard Partners (waives in support)  
4:08:52 PM Am. 714998  
4:09:01 PM Sen. Rodriguez  
4:09:33 PM Sen. Grimsley  
4:09:48 PM Doufuas Mang, First American Title INS (waives in support)  
4:10:09 PM S 454 (cont.)  
4:10:22 PM Mary Thomas, Assistant General Counsel, Florida Medical Association (waives in support)  
4:10:25 PM Samantha Sexton, Vice President, Legislative and Regulatory Affairs, Personal Insurance Federation of Florida (waives in support)  
4:10:56 PM Sen. Bean  
4:11:05 PM Sen. Garcia  
4:11:16 PM Sen. Rouson  
4:11:26 PM Sen. Grimsley  
4:11:33 PM Recording Paused  
4:14:10 PM Recording Resumed  
4:14:14 PM Recording Paused  
4:14:15 PM Recording Resumed  
4:14:16 PM S 7000  
4:14:48 PM Sen. Lee  
4:18:42 PM Sen. Grimsley  
4:18:49 PM Sen. Rodriguez

4:19:39 PM Sen. Lee  
4:22:04 PM Sen. Rodriguez  
4:22:16 PM Sen. Lee  
4:24:07 PM Sen. Grimsley  
4:24:12 PM Sen. Broxson  
4:25:07 PM Sen. Lee  
4:27:04 PM Sen. Grimsley  
4:27:07 PM Am. 248858  
4:27:15 PM Sen. Campbell  
4:27:38 PM Sen. Grimsley  
4:27:50 PM Marty Cassini, Legislative Counsel, Broward County (waives in support)  
4:28:03 PM Am. 635828  
4:28:15 PM Sen. Garcia  
4:28:21 PM Sen. Lee  
4:28:53 PM Sen. Grimsley  
4:29:03 PM Kari Hebrank (waives in support)  
4:29:24 PM Am. 582478  
4:29:51 PM Sen. Lee  
4:30:03 PM Sen. Grimsley  
4:30:07 PM Sen. Lee  
4:30:17 PM Sen. Grimsley  
4:30:25 PM Kari Hebrank (waives in support)  
4:30:34 PM S 7000 (cont.)  
4:30:47 PM Greg Black, Attorney, AGC (waives in support)  
4:30:59 PM Rusty Payton, CEO, Florida Home Builder's Association  
4:32:32 PM Sen. Grimsley  
4:32:35 PM Marty Cassini, Legislative Counsel, Broward County (waives in support)  
4:32:42 PM Kari Hebrank, Florida Home Builder's Association  
4:36:42 PM Sen. Grimsley  
4:36:49 PM Sara Yerkes, Senior Vice President, International Code Council  
4:41:06 PM Sen. Grimsley  
4:41:26 PM Allen Douglas, Executive Director, Florida Engineering Society  
4:42:41 PM Sen. Grimsley  
4:42:46 PM Natalie King, Vice President, Highland Homes (waives in support)  
4:42:59 PM Mike Huey, Attorney, Florida Association of the American Institute of Architects  
4:45:58 PM Sen. Grimsley  
4:46:07 PM Dale Calhoun, Florida Natural Gas Association, Florida Propane Gas Association (waives in support)  
4:46:19 PM Eric Prutsman, Florida Fire Marshals and Inspectors Association, Florida Fire Chiefs Association (waives in opposition)  
4:46:28 PM Liz Reynolds, State Affairs Director - Southeast Region, National Association of Mutual Insurance Cos. (waives in opposition)  
4:46:45 PM Deborah Lawson, Florida Roof Deck Association  
4:48:48 PM Sen. Grimsley  
4:48:57 PM Gary Guzzo, Florida Insurance Council  
4:49:46 PM Sen. Grimsley  
4:49:55 PM Gerald Wester, American Insurance Association  
4:54:46 PM Sen. Grimsley  
4:55:03 PM Sen. Rodriguez  
4:55:35 PM Sen. Grimsley  
4:55:36 PM Sen. Torres  
4:56:06 PM Sen. Garcia  
4:56:20 PM Sen. Mayfield  
4:57:10 PM Sen. Campbell  
4:57:42 PM Sen. Lee  
4:59:50 PM Sen. Grimsley