

Tab 1	CS/SB 152 by JU, Steube (CO-INTRODUCERS) Grimsley, Simpson ; (Identical to CS/H 00055) Sale of Firearms					
Tab 2	CS/SB 204 by EP, Bradley (CO-INTRODUCERS) Perry, Stewart, Bean, Simpson, Stargel, Passidomo, Baxley, Hukill, Young, Hutson, Montford ; Land Acquisition Trust Fund					
Tab 3	SB 232 by Book (CO-INTRODUCERS) Farmer ; (Identical to H 00053) Coral Reefs					
Tab 4	CS/SB 444 by HP, Bean ; (Similar to CS/H 00041) Pregnancy Support Services					
Tab 5	SB 564 by Young ; (Similar to H 00399) John M. McKay Scholarships for Students with Disabilities Program					
408434	A	S	RCS	AP, Young	Delete L.31 - 34:	01/19 09:24 AM
Tab 6	SB 610 by Young ; (Compare to CS/H 00661) Business Filings					
660674	PCS	S	RCS	AP, ATD		01/19 09:27 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Bradley, Chair
Senator Flores, Vice Chair

MEETING DATE: Thursday, January 18, 2018

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Bradley, Chair; Senator Flores, Vice Chair; Senators Baxley, Bean, Benacquisto, Book, Bracy, Brandes, Braynon, Gainer, Galvano, Gibson, Grimsley, Montford, Passidomo, Powell, Simmons, Simpson, Stargel, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 152 Judiciary / Steube (Identical CS/H 55)	Sale of Firearms; Requiring Department of Law Enforcement procedures to allow the payment or transmittal of processing fees for criminal history checks of potential firearms buyers by electronic means; providing that criminal history check requests by licensed importers, manufacturers, and dealers to the department may be made by electronic means, etc. JU 11/07/2017 Fav/CS ACJ 12/07/2017 Favorable AP 01/18/2018 Favorable	Favorable Yeas 18 Nays 0
With subcommittee recommendation – Criminal and Civil Justice			
2	CS/SB 204 Environmental Preservation and Conservation / Bradley	Land Acquisition Trust Fund; Revising the specified appropriation for spring restoration, protection, and management projects; requiring a specified appropriation for certain projects related to the St. Johns River and its tributaries or the Keystone Heights Lake Region, etc. EP 09/12/2017 EP 10/09/2017 Fav/CS AEN 12/07/2017 Favorable AP 01/18/2018 Favorable	Favorable Yeas 18 Nays 0
With subcommittee recommendation – Environment and Natural Resources			
3	SB 232 Book (Identical H 53)	Coral Reefs; Establishing the Southeast Florida Coral Reef Ecosystem Conservation Area, etc. EP 11/06/2017 Favorable AEN 12/07/2017 Favorable AP 01/18/2018 Favorable	Favorable Yeas 19 Nays 0
With subcommittee recommendation – Environment and Natural Resources			

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Thursday, January 18, 2018, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 444 Health Policy / Bean (Similar CS/H 41)	Pregnancy Support Services; Requiring the Department of Health to contract with a not-for-profit statewide alliance of organizations to provide pregnancy support and wellness services through subcontractors; requiring the contractor to spend a specified percentage of funds on direct client services; specifying the entities eligible for a subcontract, etc. HP 11/07/2017 Fav/CS AHS 01/10/2018 Favorable AP 01/18/2018 Favorable	Favorable Yeas 12 Nays 6
With subcommittee recommendation – Health and Human Services			
5	SB 564 Young (Similar H 399)	John M. McKay Scholarships for Students with Disabilities Program; Providing that parents seeking an individual education plan reevaluation may request a specified meeting and evaluation from the school district; specifying that a school district may change a student's matrix of services as a result of an individual education plan reevaluation, etc. ED 12/04/2017 Favorable AED 01/10/2018 Favorable AP 01/18/2018 Fav/CS RC	Fav/CS Yeas 19 Nays 0
With subcommittee recommendation – Pre-K – 12 Education			
A proposed committee substitute for the following bill (SB 610) is available:			
6	SB 610 Young (Compare CS/H 661)	Business Filings; Requiring that the Department of State develop and offer an optional secure business filing service designed to discourage fraudulent filings; requiring that the service notify an entity via e-mail whenever a document relating to the entity is delivered for filing; requiring that the entity have the opportunity to review the file, etc. CM 11/13/2017 Favorable ATD 12/07/2017 Fav/CS AP 01/18/2018 Fav/CS	Fav/CS Yeas 19 Nays 0
With subcommittee recommendation – Transportation, Tourism, and Economic Development			
7	Update on SB 10 (Chapter 2017-10, L.O.F.) Relating to the Post-Authorization Change Report Required in s. 373.4598, F.S., and Storage Reservoir Progress by the South Florida Water Management District		Presented

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Thursday, January 18, 2018, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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8	Presentation on 2017 Debt Report by Ben Watkins, Director, Division of Bond Finance		Presented
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Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 152

INTRODUCER: Judiciary Committee and Senator Steube and others

SUBJECT: Sale of Firearms

DATE: January 17, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Sadberry</u>	<u>Sadberry</u>	<u>ACJ</u>	Recommend: Favorable
3.	<u>Sadberry</u>	<u>Hansen</u>	<u>AP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 152 requires the Florida Department of Law Enforcement (FDLE) to provide additional payment options to licensed firearm dealers, importers, and manufactures when paying for criminal history record checks. Currently, the only payment methods authorized by administrative rule are personal checks, money orders, or cashier's checks. The bill requires FDLE to establish, by rule, procedures that permit electronic payment or transmittal by debit cards, credit cards, or electronic funds transfers, but the payment methods are not limited solely to those options.

The bill also expands how firearms dealers may submit requests to FDLE for criminal history record checks. Currently, the law allows a licensed importer, manufacturer or dealer to submit requests by a toll-free telephone call. The bill allows a licensed importer, manufacturer or dealer to submit requests to FDLE by electronic means.

The FDLE indicates that it will absorb the costs it incurs implementing the provisions of this bill by diverting existing staff and resources.

II. Present Situation:

Statutory Procedure for Purchasing a Firearm

Before a potential buyer may purchase a firearm from a licensed importer, manufacturer, or dealer¹ in this state, several statutory requirements must be met.

- The potential buyer must first fill out a background check form² that is produced by the Federal Bureau of Alcohol, Tobacco, and Firearms.
- When the form is completed, the potential buyer must provide to the dealer a \$5 non-refundable processing fee for a criminal history check and also submit a valid government issued form of identification.
- The dealer submits the background information either in a toll-free phone call to an operator at the Florida Department of Law Enforcement Firearm Purchase Program or electronically to the program's website. The Firearm Purchase Program is operational from 9:00 a.m. to 9:00 p.m. each day of the year except Christmas and New Year's Day.
- FDLE makes a determination, based upon the criminal history background check, whether the potential buyer is eligible to purchase the firearm. FDLE must issue a transaction identification number to the dealer and a decision on whether the potential buyer is permitted to purchase a weapon. This dealer must then record that information on the buyer's background check form.³

Multiple weapons may be transferred in a single transaction. Accordingly, it is not necessary for a potential buyer to submit a separate form and pay an additional processing fee for each firearm transfer if several are made at that same time.

FDLE reports that there are currently 3,761 licensed firearm dealers in its database.⁴ Some dealers are large, interstate sporting goods stores, while some are small family businesses.

The \$5 Fee for Processing a Criminal History Background Check

FDLE is permitted to collect a fee of no more than \$8 from the potential buyer to cover the cost of processing the criminal history check.⁵ FDLE currently charges \$5 to process a criminal history check.⁶ Procedurally, FDLE hand processes and mails each licensed firearm dealer an invoice each month stating how much money is due. The dealer then sends a personal check, money order, or cashier's check to the Department of Revenue. There is currently no statutory authorization for a licensed dealer to pay these invoices electronically.

¹ Florida Administrative Rule 11C-6.009(1), *Sale and Delivery of Firearms*, uses the term "federally licensed firearm dealer" to include licensed firearm importers, licensed firearm manufacturers, and licensed firearm dealers. For ease of description in this analysis, the term "dealer" is used to also include importers and manufacturers.

² U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Firearm Transaction Record (ATF F- 4473, Revised October 2016) available at <https://www.atf.gov/file/61446/download>.

³ See s. 790.065(1)(a), F.S., and Florida Department of Law Enforcement, *Firearm Purchase Process*, available at <http://www.fdle.state.fl.us/cms/FPP/FAQs1.aspx> (last visited Nov. 2, 2017).

⁴ Email from Brenda Johnson, FDLE Office of External Affairs (Nov. 1, 2017) (on file with the Senate Committee on Judiciary).

⁵ Section 790.065(1)(a)2., F.S.

⁶ Fla. Admin. Code R. 11C-6.009.

Criminal History Background Checks Performed in Recent Years

FDLE reports that 772,891 background checks were performed between January 2 and October 29, 2017. The table below shows the number of background checks⁷ performed in years 2010-2016.

Annual Background Checks Performed	
Year	Background Checks
2010	531,845
2011	606,655
2012	797,610
2013	869,560
2014	774,363
2015	885,086
2016	1,037,483

Invoices Mailed and Revenue Received

The table below shows the number of invoices mailed and the revenue received by the FDLE Firearm Purchase Program for Fiscal Year 2016-2017.⁸

Firearm Purchase Program Invoices and Revenue - Fiscal Year 2016-2017		
Month	Invoices Mailed	Revenue Received
July	2,071	\$520,092
August	2,050	487,685
September	2,020	442,541
October	2,016	376,299
November	2,069	438,117
December	2,123	336,219
January	2,021	376,710
February	2,043	484,297
March	2,084	373,384
April	2,001	390,330
May	1,999	435,183
June	1,984	462,313
	24,481	\$5,123,170

⁷ Email attachment from Brenda Johnson, FDLE Office of External Affairs (Oct. 31, 2017) (on file with the Senate Committee on Judiciary).

⁸ Email attachment from Brenda Johnson, FDLE Office of External Affairs (Oct. 31, 2017) (on file with the Senate Committee on Judiciary).

III. Effect of Proposed Changes:

This bill authorizes licensed firearm dealers, importers, and manufacturers to electronically submit payments when paying FDLE for criminal history record checks. The payment methods and associated procedures will be established by FDLE rules, but the rules must, at a minimum, allow for payments by debit and credit cards and electronic funds transfers.

The bill also allows firearms dealers to submit requests for criminal history record checks to FDLE by electronic means rather than only by calling the toll-free phone number. FDLE currently accepts the submission of electronic requests, so this statutory authorization essentially ratifies its current practice.

The bill takes effect October 1, 2018.

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:

By allowing licensed firearm dealers to pay their invoices electronically, the dealers will save postage and paper that are currently used for checks and envelopes.

C. Government Sector Impact:

The FDLE has indicated that it will cost \$420,000 and take 13 months to implement the provisions of this bill. However, FDLE states that it can absorb the costs by diverting existing staff and resources. By reassigning resources, existing agency project timelines will be extended.⁹

⁹ Florida Department of Law Enforcement, *2018 FDLE Legislative Bill Analysis, SB 152* (Revised November 9, 2017).

The FDLE notes in its bill analysis that it will need additional time to complete the transition to accepting electronic payments and recommends that the effective date of the bill be delayed to April 1, 2019 to accommodate these changes.¹⁰

Many credit and debit card companies charge a vendor a specified percentage for completing each electronic transaction. Unless FDLE passes this convenience cost along to the dealers, FDLE may receive less money per transaction than when checks, money orders, and cashier's checks are used and no merchant fee is charged.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 790.065 of the Florida Statutes.

IX. Additional Information:

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

CS by Judiciary on November 7, 2017:

The committee substitute allows firearms dealers to submit requests for criminal history record checks to FDLE by electronic means and delays the effective date of the bill by 3 months to October 1, 2018.

- B. **Amendments:**

None.

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

¹⁰ *Id.* at 4.

By the Committee on Judiciary; and Senator Steube

590-01121-18

2018152c1

A bill to be entitled

An act relating to the sale of firearms; amending s. 790.065, F.S.; requiring Department of Law Enforcement procedures to allow the payment or transmittal of processing fees for criminal history checks of potential firearms buyers by electronic means; providing that criminal history check requests by licensed importers, manufacturers, and dealers to the department may be made by electronic means; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 790.065, Florida Statutes, is amended to read:

790.065 Sale and delivery of firearms.—

(1)(a) A licensed importer, licensed manufacturer, or licensed dealer may not sell or deliver from her or his inventory at her or his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until she or he has:

1. Obtained a completed form from the potential buyer or transferee, which form shall have been promulgated by the Department of Law Enforcement and provided by the licensed importer, licensed manufacturer, or licensed dealer, which shall include the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee and has inspected proper identification including an identification containing a photograph of the

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potential buyer or transferee.

2. Collected a fee from the potential buyer for processing the criminal history check of the potential buyer. The fee shall be established by the Department of Law Enforcement and may not exceed \$8 per transaction. The Department of Law Enforcement may reduce, or suspend collection of, the fee to reflect payment received from the Federal Government applied to the cost of maintaining the criminal history check system established by this section as a means of facilitating or supplementing the National Instant Criminal Background Check System. The Department of Law Enforcement shall, by rule, establish procedures for the fees to be transmitted by the licensee to the Department of Law Enforcement. Such procedures must provide that fees may be paid or transmitted by electronic means, including, but not limited to, debit cards, credit cards, or electronic fund transfers. All such fees shall be deposited into the Department of Law Enforcement Operating Trust Fund, but shall be segregated from all other funds deposited into such trust fund and must be accounted for separately. Such segregated funds must not be used for any purpose other than the operation of the criminal history checks required by this section. The Department of Law Enforcement, each year ~~before~~ prior to February 1, shall make a full accounting of all receipts and expenditures of such funds to the President of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house of the Legislature, and the chairs of the appropriations committees of each house of the Legislature. In the event that the cumulative amount of funds collected exceeds the cumulative amount of expenditures by more than \$2.5 million, excess funds

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may be used for the purpose of purchasing soft body armor for law enforcement officers.

3. Requested, by means of a toll-free telephone call or other electronic means, the Department of Law Enforcement to conduct a check of the information as reported and reflected in the Florida Crime Information Center and National Crime Information Center systems as of the date of the request.

4. Received a unique approval number for that inquiry from the Department of Law Enforcement, and recorded the date and such number on the consent form.

Section 2. This act shall take effect October 1, 2018.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Banking and Insurance, *Vice Chair*
Agriculture
Appropriations Subcommittee on Finance and Tax
Appropriations Subcommittee on Pre-K - 12 Education
Children, Families, and Elder Affairs
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR GREG STEUBE

23rd District

December 7, 2017

The Honorable Rob Bradley
Florida Senate
414 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Bradley,

I am writing this letter because my bill, SB – 152 Sale of Firearms, has been referred to the Senate Appropriations Committee. I am respectfully requesting that you place the bill on your committee's calendar for the next committee week.

Thank you for your consideration. Please contact me if you have any questions.

Very respectfully yours,

A handwritten signature in blue ink, appearing to read "W. Gregory Steube".

W. Gregory Steube, District 23

REPLY TO:

- ☐ 6230 University Parkway, Suite 202, Sarasota, Florida 34240 (941) 342-9162
- ☐ 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: 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 Committee on Appropriations

BILL: CS/SB 204

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Bradley and others

SUBJECT: Land Acquisition Trust Fund

DATE: January 17, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Fav/CS
2.	Reagan	Betta	AEN	Recommend: Favorable
3.	Reagan	Hansen	AP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 204 increases the annual appropriation from the Land Acquisition Trust Fund (LATF) for spring restoration, protection, and management projects from \$50 million to \$75 million. Additionally, the bill requires \$50 million to be appropriated from the LATF to the St. Johns River Water Management District for projects dedicated to the restoration of the St. Johns River and its tributaries or the Keystone Heights Lake Region.

II. Present Situation:

Land Acquisition Trust Fund

Documentary stamp tax revenues are collected under ch. 201, F.S., which requires an excise tax to be levied on two classes of documents: deeds and other documents related to real property, which are taxed at the rate of 70 cents per \$100; and certificates of indebtedness, promissory notes, wage assignments, and retail charge account agreements, which are taxed at 35 cents per \$100.¹

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for water and land conservation and restoration. The amendment required that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues

¹ See ss. 201.02 and 201.08, F.S.

derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund (LATF). Article X, s. 28 of the State Constitution requires that funds in the LATF be expended only for the following purposes:

As provided by law, to finance or refinance: the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; wildlife management areas; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.²

To implement Art. X, s. 28 of the State Constitution, the Legislature passed ch. 2015-229 Laws of Florida. This act, in part, amended the following sections of law:

- Section 201.15, F.S., to conform to the constitutional requirement that the LATF receive at least 33 percent of net revenues derived from documentary stamp taxes.
- Section 375.041, F.S., to designate the LATF within the Department of Environmental Protection (DEP) as the trust fund to serve as the constitutionally mandated depository for the required percentage of documentary stamp tax revenues.³

Under s. 375.041, F.S., funds deposited into the LATF must be distributed in the following order and amounts:

- First, obligations relating to debt service, specifically:
 - First to payments relating to debt service on Florida Forever Bonds and Everglades restoration bonds; and
 - Then, to payments relating to debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District.
- Then, before funds are authorized to be appropriated for other uses:
 - A minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), the Long-Term Plan,⁴ or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to Everglades projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. From these funds, the following specified distributions are required:

² FLA. CONST. Art. X, s. 28.

³ Ch. 2015-229, s. 9, s. 50, Laws of Fla.

⁴ Note that the “Long-Term Plan” includes the Restoration Strategies Regional Water Quality Plan.

- \$32 million annually through the 2023-2024 fiscal year for the Long-Term Plan;
- After deducting the \$32 million, the minimum of the lesser of 76.5 percent of the remainder or \$100 million annually through the 2025-2026 fiscal year for the CERP; and
- Any remaining funds for Everglades projects under the CERP, the Long-Term Plan, or the NEEPP.
- A minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million annually for spring restoration, protection, and management projects; and
- Five million annually through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka.⁵
- Sixty-four million to the Everglades Trust Fund in the 2018-2019 fiscal year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.⁶

In August 2017, the Revenue Estimating Conference projected that \$2.62 billion of documentary stamp taxes will be collected in Fiscal Year 2018-2019. After deducting the costs of collection and enforcement of the tax, thirty-three percent of the net revenues collected (approximately \$862.2 million) must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution.⁷

Spring Restoration, Protection, and Management Projects

Florida has more than 700 recognized springs, categorized by flow in cubic feet per second. First magnitude springs are those that discharge 100 cubic feet or more of water per second. Florida has 33 first magnitude springs in 18 counties that discharge a total of more than 64 million gallons of water per day. Spring discharges are used to determine groundwater quality and the degree of human impact on a spring's recharge area. Rainfall, surface conditions, soil type, mineralogy, the composition and porous nature of the aquifer system, flow, and length of time in the aquifer all contribute to groundwater chemistry.

Urban sprawl, the growing demand for groundwater, and the introduction of fertilizers, pesticides, and other pollutants to the springshed, are major issues impacting the health of Florida's springs.⁸ The water quality of a spring system is regularly assessed to determine whether it is meeting water quality standards. When a springs system is not meeting such standards, the system is formally identified as impaired, and the DEP is required to adopt Total Maximum Daily Loads (TMDLs).⁹ A TMDL is a scientific determination of the maximum amount of a given pollutant that a surface water body can absorb and still meet the water quality

⁵ Section 375.041, F.S.

⁶ *Id.*

⁷ Office of Economic and Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary* (Aug. 2017) available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf> (last visited November 28, 2017).

⁸ Florida Department of Environmental Protection (FDEP), Florida's Springs, Protecting Nature's Gems, *Threats to Springs*, <http://www.floridasprings.org/protecting/threats1/> (last visited Sept. 26, 2017).

⁹ Section 403.067, F.S.

standards that protect human health and aquatic life.¹⁰ To achieve TMDLs for a surface water body, the DEP works with local stakeholders to adopt and implement Basin Management Action Plans (BMAPs).¹¹ BMAPs represent a comprehensive set of strategies, including permit limits on wastewater facilities, urban and agricultural best management practices, conservation programs, financial assistance, and revenue generating activities, designed to achieve the pollutant reductions necessary to meet a TMDL.¹²

Water quantity or spring flows are affected by water consumption and overuse.¹³ The water management districts (WMDs) or the DEP are required to establish minimum flows and levels (MFLs) for surface and ground waters. The “minimum flow” is the limit at which further withdrawals from a watercourse would significantly harm water resources or ecology; the “minimum level” is the level of a groundwater or surface water body at which further withdrawals would significantly harm water resources.¹⁴ If the flow or level is currently below, or within 20 years will fall below, an applicable MFL, the WMD is required to implement a recovery or prevention strategy.¹⁵

The Florida Department of Agriculture and Consumer Services, in coordination with the DEP, the WMDs, and other stakeholders, works to develop Best Management Practices (BMPs) to address agricultural water quality and water use impacts, including the reduction of nutrient loads to meet TMDLs.¹⁶ BMPs are individual or combined practices developed through research, field testing, and expert review to be the most effective and practicable means for improving water quality, taking into account economic and technological considerations.¹⁷ The implementation of agricultural BMPs is based on a watershed approach to address agricultural nutrient loadings as a whole.¹⁸

Spring restoration, protection, and management projects may be designed to achieve TMDLs through a BMAP, address MFLs through a recovery or prevention strategy, or implement BMPs. For the 2017-2018 fiscal year, forty springs projects will receive \$50 million, bringing the total investment in springs to more than \$94 million during the fiscal year.¹⁹ Examples of such projects include, but are not limited to: investments in wastewater treatment facilities; water quality improvement projects; aquifer recharge projects; reclaimed water projects; purchase of

¹⁰ FDEP, *Total Maximum Daily Loads (TMDL) Program*, <http://www.dep.state.fl.us/water/tmdl/index.htm> (last visited Sept. 5, 2017).

¹¹ Section 403.067, F.S.

¹² FDEP, *TMDL Program*.

¹³ FDEP, *Florida’s Springs, Protecting Nature’s Gems, Water Consumption and Overuse*, <http://www.floridasprings.org/protecting/threats1/> (last visited Sept. 26, 2017).

¹⁴ Section 373.042, F.S.

¹⁵ Section 373.0421, F.S.

¹⁶ Florida Department of Agriculture and Consumer Services (FDACS), *Agriculture and Water Quality*, http://www.freshfromflorida.com/content/download/33106/813038/BMP_Backgrounder_Updated.pdf (last visited Sept. 26, 2017).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ FDEP, *Governor Scott Announces \$50 Million for Springs Restoration Projects Across Florida*, <https://content.govdelivery.com/accounts/FLDEP/bulletins/1af65c7> (last visited Oct. 9, 2017).

conservation lands for water quality protection; stormwater improvement; water quality sampling and monitoring; meter implementation; and irrigation system efficiency upgrades.²⁰

St. Johns River Water Management District

The St. Johns River Water Management District (SJRWMD) is one of five WMDs established in the state. The SJRWMD covers all or part of 18 counties in northeast and east-central Florida and includes ten major watersheds.

St. Johns River

The St. Johns River is the longest river that is entirely within the state.²¹ The St. Johns River is divided into three watersheds: the Lower St. Johns River Basin, the Middle St. Johns River Basin, and the Upper St. Johns River Basin. Because the river flows north, the upper basin refers to the area that forms in Indian River and Brevard counties, south of the middle and lower basins.²² Major tributaries that flow into the St. Johns River include the Wekiva River, the Econlockhatchee River, and the Ocklawaha River.²³

Stormwater runoff from urban areas, treated domestic and industrial wastewater, and agricultural runoff from farming areas affect the water quality of the St. Johns River.²⁴ The largest contributor of pollution in the lower basin is treated wastewater, with additional significant sources of nutrient pollution coming from agricultural areas.²⁵ The upper basin was drained and diked and now the floodwaters from the basin drain to the Indian River Lagoon to the east, which diminishes the water quality in the lagoon and degrades the upper basin's remaining marshes.²⁶

Keystone Heights Area Lakes

The Keystone Heights area lakes are located in southwestern Clay County.²⁷ The lakes were created when a layer of limestone collapsed creating sinkholes that connect to the Upper Floridan Aquifer.²⁸ The natural geologic features of this karst terrain result in lake level fluctuations that have occurred over many decades.²⁹

The district has been working to protect and maintain the water levels in the lakes in the Keystone Heights region and has undertaken numerous projects and studies regarding the region to better understand the dramatic fluctuations in lake water levels and to help meet current and

²⁰ See *FY 17-18 Springs Projects*, <http://www.flgov.com/wp-content/uploads/2017/08/17-18-ss.pdf>, for the complete list of projects.

²¹ SJRWMD, *The St. Johns River*, <https://www.sjrwmd.com/waterways/st-johns-river/> (last visited Sept. 5, 2017).

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ SJRWMD, *Lower St. Johns River Basin*, <https://www.sjrwmd.com/waterways/st-johns-river/lower/> (last visited Sept. 5, 2017).

²⁶ SJRWMD, *Upper St. Johns River Basin*, <https://www.sjrwmd.com/waterways/st-johns-river/upper/> (last visited Sept. 23, 2017).

²⁷ SJRWMD, *Senate Bill 234: Land Acquisition Trust Fund Bill Analysis* (Feb. 3, 2017) (on file with the Senate Environmental Preservation and Conservation Committee).

²⁸ *Id.*

²⁹ *Id.*

long-term water supply needs for the region.³⁰ The district has focused on projects that will lead to improved water levels in the lakes and the underlying Floridan aquifer. The district is reevaluating the MFLs for certain lakes in order to implement updated methods, develop a hydrologic model, and analyze additional long-term hydrologic data to ensure that the MFLs are based on the most up-to-date methods and criteria.³¹ The district has also focused on projects that benefit the Floridan aquifer by increasing recharge or by reducing water withdrawals in the region.³²

III. Effect of Proposed Changes:

Subparagraph s. 375.041(2)(b)2., F.S., requires a minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million to be appropriated annually from the Land Acquisition Trust Fund (LATF) for spring restoration, protection, and management projects. The bill amends that subparagraph to increase the distribution to a minimum of the lesser of 10.7 percent of the funds remaining after the payment of debt service or \$75 million.

Additionally, the bill creates another statutorily required distribution from the LATF to require \$50 million to be appropriated annually to the St. Johns River Water Management District for projects dedicated to the restoration of the St. Johns River and its tributaries or the Keystone Heights Lake Region.

The bill requires the annual distribution to be reduced by an amount equal to the debt service paid annually on bonds issued for such restoration purposes after July 1, 2018.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill increases annual distributions for spring restoration from the LATF to a minimum of the lesser of 10.7 percent of the funds remaining after the payment of debt service or \$75 million. This is an increase of \$25 million. The bill also establishes a \$50 million annual distribution to the St. Johns River Water Management District for the St. Johns River or Keystone Heights Lake Region restoration activities. There is currently \$5.5 million in the recurring base budget for the St. Johns River or Keystone Heights Lake Region so the \$50 million distribution is an increase of \$44.5 million.

Agencies that receive funds from the LATF are the Departments of Environmental Protection, State, and Agriculture and Consumer Services as well as the Fish and Wildlife Conservation Commission. These agencies receive legislative appropriations for various items; such as springs restoration, Everglades and Northern Everglades restoration, Lake Apopka restoration, beach restoration, and land management activities. The additional \$69.5 million in distributions may affect the funding available to appropriate for these other purposes funded from the trust fund. Projections of Fiscal Year 2018-2019 documentary tax revenues deposited into the LATF totals \$862.2 million, which is an increase of \$33.3 million. This increase in collections will offset some of the negative fiscal impact to the available funds.

VI. Technical Deficiencies:

If the intent of this legislation is to establish a continuing appropriation of \$50 million annually to the St. Johns River Water Management District, without further legislative action in subsequent fiscal years, the language “shall be appropriated annually” should be clarified to read, “is appropriated annually.”

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 375.041 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.)

CS by Environmental Conservation and Preservation on October 9, 2017:

The committee substitute clarifies that annual springs restoration funding should be a minimum of \$75 million by amending the percentage for calculating the amount of LATF dollars required to be distributed.

B. Amendments:

None.

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

By the Committee on Environmental Preservation and Conservation;
and Senators Bradley, Perry, Stewart, and Bean

592-00733-18

2018204c1

A bill to be entitled

An act relating to the Land Acquisition Trust Fund;
amending s. 375.041, F.S.; revising the specified
appropriation for spring restoration, protection, and
management projects; requiring a specified
appropriation for certain projects related to the St.
Johns River and its tributaries or the Keystone
Heights Lake Region; requiring the distribution to be
reduced by an amount equal to the debt service paid on
certain bonds; deleting an obsolete provision;
providing an effective date.

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

Section 1. Subsection (3) of section 375.041, Florida
Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3) Funds distributed into the Land Acquisition Trust Fund
pursuant to s. 201.15 shall be applied:

(a) First, to pay debt service or to fund debt service
reserve funds, rebate obligations, or other amounts payable with
respect to Florida Forever bonds issued under s. 215.618; and
pay debt service, provide reserves, and pay rebate obligations
and other amounts due with respect to Everglades restoration
bonds issued under s. 215.619; and

(b) Of the funds remaining after the payments required
under paragraph (a), but before funds may be appropriated,
pledged, or dedicated for other uses:

1. A minimum of the lesser of 25 percent or \$200 million

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

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shall be appropriated annually for Everglades projects that
implement the Comprehensive Everglades Restoration Plan as set
forth in s. 373.470, including the Central Everglades Planning
Project subject to Congressional authorization; the Long-Term
Plan as defined in s. 373.4592(2); and the Northern Everglades
and Estuaries Protection Program as set forth in s. 373.4595.
From these funds, \$32 million shall be distributed each fiscal
year through the 2023-2024 fiscal year to the South Florida
Water Management District for the Long-Term Plan as defined in
s. 373.4592(2). After deducting the \$32 million distributed
under this subparagraph, from the funds remaining, a minimum of
the lesser of 76.5 percent or \$100 million shall be appropriated
each fiscal year through the 2025-2026 fiscal year for the
planning, design, engineering, and construction of the
Comprehensive Everglades Restoration Plan as set forth in s.
373.470, including the Central Everglades Planning Project, the
Everglades Agricultural Area Storage Reservoir Project, the Lake
Okeechobee Watershed Project, the C-43 West Basin Storage
Reservoir Project, the Indian River Lagoon-South Project, the
Western Everglades Restoration Project, and the Picayune Strand
Restoration Project. The Department of Environmental Protection
and the South Florida Water Management District shall give
preference to those Everglades restoration projects that reduce
harmful discharges of water from Lake Okeechobee to the St.
Lucie or Caloosahatchee estuaries in a timely manner. For the
purpose of performing the calculation provided in this
subparagraph, the amount of debt service paid pursuant to
paragraph (a) for bonds issued after July 1, 2016, for the
purposes set forth under this paragraph ~~(b)~~ shall be added to

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

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the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

2. A minimum of the lesser of 10.7 ~~7.6~~ percent or \$75 ~~\$50~~ million shall be appropriated annually for spring restoration, protection, and management projects. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under this paragraph ~~(b)~~ shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

3. The sum of \$5 million shall be appropriated annually each fiscal year through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth in this subparagraph.

4. The sum of \$64 million is appropriated and shall be transferred to the Everglades Trust Fund for the 2018-2019 fiscal year, and each fiscal year thereafter, for the EAA reservoir project pursuant to s. 373.4598. Any funds remaining in any fiscal year shall be made available only for Phase II of

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the C-51 reservoir project or projects identified in subparagraph 1. and must be used in accordance with laws relating to such projects. Any funds made available for such purposes in a fiscal year are in addition to the amount appropriated under subparagraph 1. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth in this subparagraph.

5. The sum of \$50 million shall be appropriated annually to the St. Johns River Water Management District for projects dedicated to the restoration of the St. Johns River and its tributaries or the Keystone Heights Lake Region. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2018, for the purposes set forth in this subparagraph ~~Notwithstanding subparagraph 3., for the 2017-2018 fiscal year, funds shall be appropriated as provided in the General Appropriations Act. This subparagraph expires July 1, 2018.~~

Section 2. This act shall take effect July 1, 2018.

THE FLORIDA SENATE
APPEARANCE RECORD

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

8B204
Bill Number (if applicable)

Meeting Date

Topic Land Acquisition Trust Fund

Amendment Barcode (if applicable)

Name Amy Datz

Job Title

Address 1130 Crestview Ave.

Phone 850 322-7599

Street

Tallahassee FL 32303

Email amalie.datz@mac.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Environmental Caucus of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 232

INTRODUCER: Senators Book and Farmer

SUBJECT: Coral Reefs

DATE: January 17, 2018

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Mitchell</u>	<u>Rogers</u>	<u>EP</u>	Favorable
2. <u>Reagan</u>	<u>Betta</u>	<u>AEN</u>	Recommend: Favorable
3. <u>Reagan</u>	<u>Hansen</u>	<u>AP</u>	Favorable

I. Summary:

SB 232 creates the Southeast Florida Coral Reef Ecosystem Conservation Area. The conservation area consists of the sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from the St. Lucie Inlet to the northern boundary of the Biscayne National Park.

The bill has no impact on state revenues or expenditures.

II. Present Situation:

Coral Reefs

Coral reefs are valuable natural resources. They protect coastlines by reducing wave energy from storms and hurricanes. They serve as a source of food and shelter and provide critical habitat for over 6,000 species, including commercially important fisheries. Many medicines, as well as other health and beauty products, are derived from marine plants, algae, and animals found on coral reefs.¹ Coral reefs in southeast Florida support a rich and diverse assemblage of stony corals, octocorals, macroalgae, sponges, and fishes. These ecological communities run along the coast from the northern border of Biscayne National Park in Miami-Dade County north to the St. Lucie Inlet in Martin County.²

People use coral reefs as a resource for recreation, education, scientific research, and public inspiration. Millions of tourists and local residents enjoy scuba diving, snorkeling, and fishing on

¹ The Florida Department of Environmental Protection (DEP), *Coral Reef Conservation Program*, available at <http://www.dep.state.fl.us/coastal/programs/coral/> (last visited October 11, 2017); DEP, *Coral Reef Conservation Program 2011-2016 Strategic Plan*, 3 (July 2011), available at http://www.dep.state.fl.us/coastal/programs/coral/pub/CRCP_Strategic_Plan_2011-2016.pdf (last visited October 4, 2017).

² *Id.*

Florida's coral reefs. These activities provide a source of income for the state and its coastal communities. The natural coral reefs in Martin, Palm Beach, Broward, and Miami-Dade counties generate an estimated \$3.4 billion in sales and income and support 36,000 jobs in the region each year.³

Coral reefs are vulnerable, however, to harmful environmental changes, particularly those resulting from human activities. Coral cover on many Caribbean reefs has declined up to 80 percent over the past three decades. Southeast Florida's reefs, which are a part of the greater Caribbean/Western Atlantic reef province, are being monitored for diseases, bleaching, and other problems associated with human activities. Monitoring data from the Florida Keys revealed a 44 percent decline in coral cover from 1996-2005.⁴

The United States Coral Reef Task Force identified eight specific and widely accepted threats to coral reefs as being particularly important:

- Pollution, including eutrophication and sedimentation from intensive land use, chemical loading, oil and chemical spills, marine debris, and invasive species;
- Overfishing and over-exploitation of coral reef species for recreational and commercial purposes and the resulting collateral damage and degradation to habitats and ecosystems;
- Destructive fishing practices, such as cyanide and dynamite fishing that can destroy large sections of reef;
- Dredging and shoreline modification in connection with coastal navigation or development;
- Vessel groundings and anchoring that directly destroy corals and reef framework;
- Disease outbreaks that are increasing in frequency and are affecting a greater diversity of coral reef species; and
- Global climate change and associated impacts including increased coral bleaching, mortality, storm frequency, and sea level rise.⁵

Corals are highly sensitive to even small temperature changes and can react through bleaching, reduced growth rates, reduced reproduction, increased vulnerability to diseases, and die-offs. Corals can tolerate only a relatively narrow temperature range and prefer water between 73-84 degrees. Water temperatures over 86 degrees or under 64 degrees are stressful and are eventually fatal for coral. In addition, corals have a mutually beneficial, or symbiotic, relationship with a type of algae known as zooxanthellae. Zooxanthellae live inside the coral and provide the coral with energy derived from photosynthesis. In turn, the coral provides the algae with shelter. When the water gets too warm and the coral becomes stressed, they can expel their zooxanthellae, which results in coral bleaching. Although the colorless coral is still alive, it will eventually die from starvation if the zooxanthellae do not return.⁶

The Florida Reef Tract, which extends from Soldier Key, located in Biscayne Bay, to the Tortugas Banks, possesses coral formations very similar to those found in the Bahamas and

³ *Id.*

⁴ DEP, *Threats to Southeast Florida Coral Reefs*, available at <http://www.dep.state.fl.us/coastal/programs/coral/threats.htm> (last visited October 3, 2017).

⁵ U.S. Coral Reef Task Force, *The National Action Plan to Conserve Coral*, 3, available at <http://www.coralreef.gov/about/CRTFAxnPlan9.pdf> (last visited October 12, 2017).

⁶ Florida Fish and Wildlife Conservation Commission (FWC), *Long Term Temperature Monitoring*, <http://myfwc.com/research/habitat/coral/cremp/cremp-temp-monitoring/> (last visited October 10, 2017).

Caribbean Sea. The tract is nearly 150 miles long and about 4 miles wide extending to the edge of the Florida Straits.⁷ Massive, region-wide bleaching events have become more common on the Florida Reef Tract. Since 1987, six extensive coral bleaching events have affected the entire tract. Substantial mass coral mortality occurred during the global bleaching events of 1997/1998 and 2014/2015. Corals at the northern end of their range, such as those found on the Florida Reef Tract, are also vulnerable to cold winter temperatures. A severe cold snap in 2010 resulted in high mortality of certain coral species on shallow-water patch reefs throughout the Florida Reef Tract.⁸

Florida Coral Reef Programs

The Coral Reef Conservation Program (CRCP) within the Florida Coastal Office (FCO) of the Florida Department of Environmental Protection (DEP) oversees several programs and initiatives to coordinate research and monitoring, develop management strategies, and promote partnerships to protect the coral reefs, hard bottom communities, and associated reef resources of southeast Florida.⁹ The CRCP implements and coordinates the following:

- *The Southeast Florida Action Network* – This reporting and response system is designed to improve the protection and management of southeast Florida's coral reefs by enhancing marine debris clean-up efforts, increasing response to vessel groundings and anchor damage, and providing early detection of potentially harmful biological disturbances.¹⁰
- *The Southeast Florida Coral Reef Initiative (SEFCRI)* – This program identifies and implements priority actions needed to reduce key threats to coral reef resources in southeast Florida, through a local action strategy for collaborative action among government and non-governmental partners.¹¹ Groups associated with SEFCRI include:
 - SEFCRI technical advisory committees, which may be convened to address specific issues that need special attention or expertise.¹²
 - Our Florida Reefs Community Working Groups, comprised of local reef users, scientists, and representatives from nongovernmental organizations and local, state, and federal agencies. Two groups meet once a month to learn about Southeast Florida's living marine resources, and develop a prioritized list of recommendations that can become part of a comprehensive management strategy to ensure healthy coral reefs in the future. These groups are hosted by SEFCRI.¹³
- *Southeast Florida's Marine Debris Reporting and Removal Program* – Through a partnership with the DEP, the Florida Fish and Wildlife Conservation Commission (FWC) and the Palm

⁷ The National Oceanic and Atmospheric Administration, *Coral Reef Information System: Florida*, <https://www.coris.noaa.gov/portals/florida.html> (last visited October 9, 2017).

⁸ *Id.*

⁹ DEP, *Coral Reef Conservation Program*, <http://www.dep.state.fl.us/coastal/programs/coral/> (last visited October 11, 2017).

¹⁰ DEP, *Southeast Florida Action Network*, <http://www.dep.state.fl.us/coastal/programs/coral/seafan.htm> (last visited October 10, 2017).

¹¹ Southeast Florida Coral Reef Initiative (SEFCRI), *What is SEFCRI?*, <http://southeastfloridareefs.net/about-us/what-is-sefcri/> (last visited October 9, 2017).

¹² Southeast Florida Coral Reef Initiative, *Team Charter* (Sept. 2012) available at https://www.dep.state.fl.us/coastal/programs/coral/documents/SEFCRI_Charter.pdf (last visited October 12, 2017).

¹³ Our Florida Reefs, *About*, <http://ourfloridareefs.org/about/> (last visited October 11, 2017).

Beach County Reef Rescue, this program encourages local divers and dive shops to report marine debris. The partnership organizes reef clean-up events to remove the debris.¹⁴

- *The Reef Injury Prevention and Response Program* – This program leads the response to, and management of, coral reef and hard bottom injuries resulting from vessel impacts such as grounding, anchoring, and cable drag events.¹⁵ Section 403.93345, F.S., otherwise known as the Florida Coral Reef Protection Act, requires responsible parties to notify the DEP when they run their vessel aground, strike, or otherwise damage coral reefs. The responsible party must remove the vessel and work with the DEP to assess the damage and restore the reef.¹⁶ The DEP may require the responsible party to pay the cost of assessment and restoration, as well as pay a fine.¹⁷
- *The Florida Reef Resilience Program (FRRP)* – The FRRP addresses climate change and coral reefs. Reef managers, scientists, conservation organizations and reef users across South Florida have developed a *Climate Change Action Plan for the Florida Reef System (2010-2015)* (Action Plan). The goals of the Action Plan are to increase coral reef resilience to climate change impacts through active management of local reef impacts; enhance communication and awareness of climate change impacts on coral reefs and reef users; and conduct targeted research to increase understanding of climate change impacts and develop new intervention measures.¹⁸
- *The Southeast Marine Event Response Program* – This program responds to potentially harmful biological disturbances along the northern third of the Florida Reef Tract from the northern border of Biscayne National Park in Miami-Dade County to the St. Lucie Inlet in Martin County. Upon notification of an event such as harmful algal blooms, fish kills, coral bleaching, or diseases, the DEP coordinates with regional partners to schedule initial site assessments, implement event response protocols, and analyze samples, where possible and appropriate.¹⁹
- *The Southeast Florida Fisheries-Independent Monitoring Program* – This program builds partnerships and obtains funding to implement fisheries-independent monitoring.²⁰ Fisheries-independent monitoring is a system-wide approach that evaluates marine communities and the populations of fish and invertebrate species that comprise them. Fisheries-independent monitoring also investigates habitat conditions for purposes of learning more about system-wide trends.²¹

The FWC also plays a role in protecting Florida's coral reefs. Through the Coral Reef Evaluation and Monitoring Project (CREMP), the FWC has monitored the condition of coral reef and hard

¹⁴ DEP, *Southeast Florida's Marine Debris Reporting and Removal Program*,

<http://www.dep.state.fl.us/coastal/programs/coral/debris1.htm> (last visited October 10, 2017).

¹⁵ DEP, *Reef Injury Prevention and Response Program*, <http://www.dep.state.fl.us/coastal/programs/coral/ripr.htm> (last visited October 12, 2017).

¹⁶ Section 403.93345(5), F.S.

¹⁷ Section 403.93345(6), (7), and (8), F.S.

¹⁸ DEP, *Climate Change and Coral Reefs*, http://www.dep.state.fl.us/coastal/programs/coral/climate_change.htm (last visited October 9, 2017).

¹⁹ DEP, *Southeast Marine Event Response Program*, http://www.dep.state.fl.us/coastal/programs/coral/event_response.htm (last visited October 10, 2017).

²⁰ DEP, *Southeast Florida Fisheries-Independent Monitoring Program*, <http://www.dep.state.fl.us/coastal/programs/coral/fisheries-independent.htm> (last visited October 11, 2017).

²¹ Sarasota County Wateratlas, *Fisheries Independent Monitoring*, http://www.sarasota.wateratlas.usf.edu/shared/learnmore.asp?toolsection=lm_fishindep (last visited October 11, 2017).

bottom habitats annually throughout the Florida Keys since 1996, southeast Florida since 2003, and the Dry Tortugas since 2004. The CREMP has documented the temporal changes that have occurred in recent years.²²

The Southeast Florida Coastal Ocean Task Force (COTF) was established in 2012 through enabling resolutions of the boards of county commissioners of Miami-Dade, Broward, Palm Beach, and Martin counties.²³ The Task Force was charged with providing recommendations for coastal ocean resources and conservation priorities and strategies. The membership of the COTF included county commissioners and four city commissioners from Southeast Florida; representatives from the DEP, the FWC, and the National Oceanic and Atmospheric Administration; and stakeholders representing recreational fishers, commercial ports, the dive charter industry, and the marine industry. The final report was issued in 2015 and made numerous recommendations for potential adoption by the affected cities and counties.²⁴

The Board of Trustees of the Internal Improvement Trust Fund

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) holds state lands in trust for the use and benefit of the people of Florida.²⁵ The Board of Trustees consists of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.²⁶ This body may acquire, sell, transfer, and administer state lands in a manner consistent with chs. 253 and 259, F.S.²⁷

The Board of Trustees authorizes several agencies to manage state lands including the Department of Agriculture and Consumer Services, the FWC, the Department of State, and the DEP through the FCO and the Florida Park Service. Other entities may also manage state land, subject to approval of the Board of Trustees. These agencies and other entities hold a property interest in the land in the form of a management agreement, lease, or other property instrument.²⁸

State agencies wishing to manage conservation lands²⁹ must develop land management plans that the DEP and the Board of Trustees must review and approve or disapprove. These land management plans must meet several criteria including identifying key management activities, land management practices, cost estimates, proposed public uses, and short-term and long-term goals.³⁰ Agencies must update land management plans every ten years, and regional management review teams evaluate whether agencies are complying with their land management plans.³¹

²² FWC, *Coral Reef Evaluation and Monitoring Project (CREMP)*, <http://myfwc.com/research/habitat/coral/cremp/> (last visited October 11, 2017).

²³ Southeast Florida Coastal Ocean Task Force, *Final Recommendations Report* (2015), available at http://205.166.161.204/docs/2016/CCCM/20161206_525/23351_Exhibit%201%20-%20COTF%20Report.pdf (last visited October 10, 2017).

²⁴ *Id.*

²⁵ Section 253.001, F.S.

²⁶ Section 253.02(1), F.S.

²⁷ *Id.*

²⁸ Section 253.034(4), F.S.

²⁹ “Conservation lands” are lands that are currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands that were acquired solely to facilitate the acquisition of other conservation lands; s. 253.034(2)(c), F.S.

³⁰ Section 253.034(5), F.S.; Fla. Admin. Code R. 18-2.021.

³¹ *Id.*; s. 259.036, F.S.

The Board of Trustees governs sovereignty submerged lands³² by the criteria set forth in ch. 18-21 of the Florida Administrative Code. These rules include ecological preservation requirements, limitations on the preemption of sovereign submerged lands, riparian rights, dock and pier requirements, and forms of authorization to use sovereign submerged lands.³³

Aquatic preserves are exceptional areas of submerged lands. Aquatic preserves and their associated waters are set aside to be maintained essentially in their natural or existing condition.³⁴ Aquatic preserves consist only of land or water bottoms owned by the state, lands or water bottoms owned by other governmental agencies as specifically authorized for inclusion, and private lands leased by the Board of Trustees.³⁵

The Board of Trustees may establish aquatic preserves after public notice and a public hearing in the area where the proposed preserve will be located.³⁶ The Legislature must either confirm or deny establishment of the aquatic preserve.³⁷ Except for private lands leased by the Board of Trustees, only the Legislature may withdraw an area from an aquatic preserve designation.³⁸

Under the direction of the Board of Trustees, the FCO manages forty-one aquatic preserves, encompassing approximately 2.2 million acres.³⁹ The Legislature authorized the Board of Trustees to adopt rules to regulate human activities within aquatic preserves so long as such rules do not unreasonably interfere with lawful and traditional public uses of an aquatic preserve, such as sport and commercial fishing, boating, and swimming.⁴⁰

III. Effect of Proposed Changes:

The bill creates the Southeast Florida Coral Reef Ecosystem Conservation Area. The conservation area consists of the sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from St. Lucie Inlet to the northern boundary of the Biscayne National Park.

The bill provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³² “Sovereignty submerged lands” are those lands including, but not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated; Fla. Admin. Code R. 18-21.003(61).

³³ Fla. Admin. Code R. 18-21.004 and 18-21.005.

³⁴ Section 258.37(1), F.S.

³⁵ Section 258.40(1), F.S.

³⁶ Sections 258.41(1) and (2), F.S.

³⁷ Section 258.41(1), F.S.

³⁸ Section 258.41(6), F.S.

³⁹ DEP, *Florida’s Aquatic Preserves*, <http://www.dep.state.fl.us/coastal/programs/aquatic.htm> (last visited October 12, 2017).

⁴⁰ Section 258.43(1), F.S. See also Fla. Admin. Code Chs. 18-18, 18-20, and 18-23.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Book

32-00387-18

2018232__

1 A bill to be entitled
2 An act relating to coral reefs; establishing the
3 Southeast Florida Coral Reef Ecosystem Conservation
4 Area; providing an effective date.
5
6 Be It Enacted by the Legislature of the State of Florida:
7
8 Section 1. There is established the Southeast Florida Coral
9 Reef Ecosystem Conservation Area. The conservation area shall
10 consist of the sovereignty submerged lands and state waters
11 offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties
12 from the St. Lucie Inlet to the northern boundary of the
13 Biscayne National Park.
14 Section 2. This act shall take effect July 1, 2018.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on the
Environment and Natural Resources, *Chair*
Appropriations
Appropriations Subcommittee on Health and
Human Services
Education
Environmental Preservation and
Conservation
Health Policy
Rules

SENATOR LAUREN BOOK

Democratic Leader Pro Tempore
32nd District

December 7, 2017

Chairman Rob Bradley
Committee on Appropriations
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairman Bradley,

I respectfully request that you place SB 232, relating to Coral Reefs, on the agenda of the Committee on Appropriations at your earliest convenience.

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

Thank you,

A handwritten signature in cursive script that reads "Lauren Book".

Senator Lauren Book
Senate District 32

cc: Mike Hansen, Staff Director
Alicia Weiss, Administrative Assistant

REPLY TO:

- ☐ 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
- ☐ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/2018

Meeting Date

SB 232

Bill Number (if applicable)

Topic

Coral Reefs

Amendment Barcode (if applicable)

Name

Preston Robertson

Job Title

VP/ General Counsel

Address

PO B 6870

Phone

850 656-7113

Street

City

Tall,

State

FL

Zip

32301

Email

prestonefwonline.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Florida Wildlife Federation

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)

01/18/2018

Meeting Date

232

Bill Number (if applicable)

Topic CORAL REEFS

Amendment Barcode (if applicable)

Name CAROL BRACY

Job Title LOBBYIST

Address 201 E PARK AVE

Phone 850.577.0444

Street

TALLAHASSEE

FL

32301

Email carol@ballardfl.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS

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

1-18-18

Meeting Date

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

SB 232

Bill Number (if applicable)

Topic Coral Reefs

Amendment Barcode (if applicable)

Name Dr. Sally Butzin

Job Title Volunteer

Address 1628 Woodgate Way

Phone 850-728-1097

Street Tallahassee

City

State

Zip

Email sally.butzin@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing League of Women Voters

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)

1-18-18

Meeting Date

SB 232

Bill Number (if applicable)

Topic

Coral Reefs

Amendment Barcode (if applicable)

Name

Amy Datz

Job Title

Environmental Caucus of FL

Address

1130 Crestview Ave.

Phone

850 322-7599

Street

Tallahassee FL 32303

Email

amajiedatz@mac.com

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Env. Caucus 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.

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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)

1/18/18

Meeting Date

232

Bill Number (if applicable)

Topic CORAL REEFS

Amendment Barcode (if applicable)

Name DEVON WEST

Job Title POLICY ADVISOR

Address 115 S. ANDREWS AVE.

Phone 954.789.9293

Street

City FT. LAUDERDALE

State FL

Zip 33301

Email dewest@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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1-18-18

Meeting Date

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

232

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Jess McCarty

Job Title Assistant County Attorney

Address 111 NW 1st Street, Suite 2810

Phone 305-979-7110

Street

Miami

FL

33128

Email jmm2@miamidade.gov

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Miami-Dade 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.

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)

1/18/18
Meeting Date

232
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 UNIVERSITY PKWY[#]
Street
SARASOTA FL 34243
City State Zip

Phone 941-323-2404

Email dcullen@senate.fl.gov

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SIERRA CLUB FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 444

INTRODUCER: Health Policy Committee and Senator Bean

SUBJECT: Pregnancy Support Services

DATE: January 17, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Lloyd</u>	<u>Stovall</u>	<u>HP</u>	Fav/CS
2.	<u>Loe</u>	<u>Williams</u>	<u>AHS</u>	Recommend: Favorable
3.	<u>Loe</u>	<u>Hansen</u>	<u>AP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 444 creates s. 381.96, F.S., to codify the existing Pregnancy Support Services program (program) which has been funded by the state since the 2005-2006 fiscal year. The program provides pregnancy support and wellness services, such as direct client services, program awareness activities, and communication activities, through a statewide alliance of community organizations. The bill directs the Department of Health (DOH) to contract with the Florida Pregnancy Care Network (network) and specifies contract deliverables for the program, including financial reports, staffing requirements, and timeframes for achieving obligations. The network is to contract only with providers that exclusively promote and support childbirth.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2018.

II. Present Situation:

Florida's Birth Rate

In 2016, over 217,000 women aged 15 to 50 in Florida had a birth in the past 12 months.¹ Almost half (48 percent) of Florida's births are to unmarried mothers with 86 percent of the fathers acknowledged on the birth certificate.²

The state's infant mortality rate slightly increased to 6.2 infant deaths per 1,000 live births in 2015, and then back down to 6.1 for 2016 after reaching its lowest rate in Florida's history of 6.0 in 2014.³ As the DOH notes in its *Florida Vital Statistics Annual Report-2015*, this represents less than half of the state's resident infant mortality rate of 1980.⁴ The most frequently cited causes of resident infant fatality in 2015, and the numbers reported were:

- Perinatal period conditions (756 deaths);
- Congenital malformations (266 deaths);
- Unintentional injuries (98 deaths); and
- Sudden Infant Death Syndrome (59 deaths).⁵

These causes accounted for 84 percent of all resident infant fatalities in Florida.⁶

The Florida Pregnancy Care Network

The Florida Pregnancy Care Network (network) is a private 501(c)(3)⁷ nonprofit organization that provides financial and other support to pregnant women and their families through an alliance of pregnancy support organizations. A five-person board of directors oversees the network, and an executive director manages the daily operations of the network. The network includes over 50 sub-grantee resource organizations throughout the state that provide counseling, referral, material support, training, and education to pregnant mothers as they prepare to parent or place their babies for adoption.⁸ In 2015, the organization reported gross receipts of \$3.6 million.⁹

¹ United States Census Bureau, *American Fact Finder - Selected Characteristics in the United States, 2011-2015 American Community Survey 5-Year Estimates*,

https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_5YR_DP02&src=pt (last visited Oct. 27, 2017).

² Florida Department of Health, *Pregnancy and Young Child Profile – 2015*, <http://www.flhealthcharts.com/ChartsReports/rdPage.aspx?rdReport=ChartsProfiles.PregnancyandYoungChild> (last visited Oct. 27, 2017).

³ Florida Department of Health, *FL Health Charts, Infant Deaths Data – Per 1,000 Live Births Single Year Rates*, <http://www.flhealthcharts.com/charts/DataViewer/InfantDeathViewer/InfantDeathViewer.aspx> (last visited Oct. 27, 2017).

⁴ Florida Department of Health, *Florida Vital Statistics Annual Report 2015, Executive Summary*, p. vi, <http://www.flpublichealth.com/VSBOOK/VSBOOK.aspx> (last visited Oct. 30, 2017).

⁵ Id.

⁶ Id.

⁷ Section 501(c)(3) of the Internal Revenue Code. Organizations described in this section are commonly referred to as charitable organizations.

⁸ I.R.S., Form 990, Return of Organization Exempt from Income Tax (2015) – Florida Pregnancy Care Network, Inc., Part I, Summary of organization's mission or most significant activities, see profile at <https://www.guidestar.org/profile/20-3707766> (last visited Oct. 30, 2017).

⁹ Id.

Florida Pregnancy Support Services Program

The network administers the Florida Pregnancy Support Services Program (program) through a contract with the DOH. The program has received continuous state funding since the 2005-2006 fiscal year, including a \$4 million appropriation from the General Revenue Fund for the 2017-2018 fiscal year.¹⁰

Proviso language in the Fiscal Year 2017-2018 General Appropriations Act (GAA) permits the funds to be used for wellness services, including but not limited to, high blood pressure screening, flu vaccines, anemia testing, thyroid screening, cholesterol, diabetes screening, assistance with smoking cessation, and tetanus vaccines.¹¹ Services may be purchased directly from qualified providers or vouchers may be offered. The GAA also requires that at least 85 percent of the funds appropriated be used for direct client services such as life skills, program awareness, and communications.¹² The DOH is directed to specifically contract with the program's current contract management provider and to provide the contractual oversight. Similar proviso language has been included in the GAA since the 2009-2010 fiscal year.

The DOH is authorized by the Fiscal Year 2017-2018 GAA to spend no more than \$500 per sub-contracted provider for contract oversight. Nine major deliverables with performance metrics and financial consequences are included in the contract with the network.¹³

Financial reimbursement through this contract is made to a minimum of 45 local pregnancy resource organizations for services to pregnant women and their families.¹⁴ While many participating organizations may be faith-based, they are not permitted to share religious information and contracting entities must ensure that they will strictly adhere to this regulation.¹⁵ The program also provides a statewide toll free number¹⁶ that is available 24/7 via phone or text message, and a website that can also connect women and their families to available resources.¹⁷ All services are available to women and their families free of charge and can continue for up to 12 months after the birth of the child.

Pregnant women and their families may use the program to prepare for pregnancy, childbirth, and parenting. The program offers free counseling and classes that cover these topics as well as nutrition and infant care. Participants may also receive items such as maternity and baby clothing, diapers, formula and baby food, baby bath items, cribs and infant carriers by

¹⁰ Chapter 2017-70, Specific Appropriation 445, Laws of Fla.

¹¹ Id.

¹² Id.

¹³ Contract between the State of Florida, Department of Health and Florida Pregnancy Care Network, Inc., pp. 16-22, July 1, 2017 – June 30, 2018, (Agency Contract ID# COHN6). For a copy of the contract, visit the Florida Accountability Contract Tracking System at: <https://facts.fldfs.com/Search/ContractDetail.aspx?AgencyId=640000&ContractId=COHN6> (last visited Oct. 30, 2017).

¹⁴ Id at 9.

¹⁵ Id at 10.

¹⁶ The toll-free Option Line number is 1-866-673-HOPE (4673) or participants can text the word "choice" to 313131.

¹⁷ Florida Pregnancy Support Services, *I Might Be Pregnant* <http://www.floridapregnancysupportservices.com/i-might-be-pregnant/> (last visited Oct. 30, 2017).

participating in on-site classes and training.¹⁸ For Fiscal Year 2016-2017, the program served 27,011 clients for pregnancy services and 1,615 for wellness services. In the prior fiscal year, the program served 24,184 total clients.¹⁹

Background Screenings for Qualified Entities

The current contract between the DOH and the network requires all paid staff and volunteers to have a state and national criminal background check as described below if the staff or volunteer provides direct services to minors, the elderly, or individuals with disabilities.²⁰ If it is the individual's initial screening, the screening must include fingerprint checks through the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI).²¹ Currently, the DOH and the program utilize an existing User Agreement held by the DOH with the FBI to conduct these screenings. The results of those screenings are returned to the DOH, not the individual network subcontractors.²²

The public may access Florida criminal history information under s. 943.053, F.S., at the cost of \$24.00 per record through the FDLE. A Level 1 background check in Florida is a state only name-based check and an employment history check. A Level 2 check includes a state and national fingerprint-based check and consideration of disqualifying offenses, and applies to statutorily designated employees who hold a position of trust and responsibility only.²³

Under s. 943.0542, F.S., certain businesses and organizations that provide care or care placement services, or licenses or certifies to provide care or care placement services, may have access to criminal history information from the FDLE after registering with the FDLE and payment of any fees. The qualified entity²⁴ must submit fingerprints to the FDLE with its request for screening and maintain a signed waiver allowing the release of the state and national criminal history record to the qualified entity. The amount of the fee is set by the FBI for the national criminal history check in compliance with the National Child Protection Act of 1993, as amended.

The national criminal history data is available only for the purpose of screening employees and volunteers or persons applying to be employees or volunteers. The FDLE will provide the information directly to the qualified entity as permitted by a written waiver. Whether the individual is fit to be an employee or volunteer around children, the disabled, or the elderly is for the qualified entity to determine; the FDLE will not make that determination. The qualified

¹⁸ Florida Pregnancy Support Services, *I Am Pregnant and Considering Terminating My Pregnancy*, <http://www.floridapregnancysupportservices.com/i-am-pregnant-and-need-help/> (last visited Oct. 30, 2017).

¹⁹ Email from Bryan Wendel, Florida Department of Health, (Oct. 31, 2017) (on file with the Senate Committee on Health Policy).

²⁰ Contract between the DOH and the Florida Pregnancy Care Network, Inc., *Supra* note 13, at 9.

²¹ *Id.*

²² Email from Bryan Wendel, Florida Department of Health, (Nov. 7, 2017) (on file with the Senate Committee on Health Policy).

²³ Florida Dep't of Law Enforcement, *Criminal History Record Checks/Background Checks Fact Sheet* (July 26, 2017), pp. 4-5, https://www.fdle.state.fl.us/cms/Criminal-History-Records/Documents/BackgroundChecks_FAQ.aspx (last visited Nov. 7, 2017).

²⁴ Federal law defines a "qualified entity" as a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services. "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation for children, the elderly, or individuals with disabilities. *See* 42 U.S.C. §5119c.

entity must notify the screened individual of his or her right to obtain a copy of the screening report as well as any criminal records.

III. Effect of Proposed Changes:

Section 1 creates s. 381.96, F.S., to codify in statute the Pregnancy Support Services Program, a program that has been funded through the General Appropriations Act since the 2005-2006 fiscal year. The bill implements most of the provisions from the prior years' proviso language with a few exceptions and additions as noted below:

- A specific directive to spend at least 90 percent of the contract funds on pregnancy support and wellness services rather than the currently required 85 percent of appropriated funds on direct client services, including life skills, program awareness, and communications.
- A specific requirement for background screening under s. 943.0542, F.S., for all paid staff and volunteers of a subcontractor if those individuals provide direct client services to a client who is a minor or an elderly person or who has a disability.

The bill directs the DOH to specify the contract deliverables with the network, including requirements to:

- Establish the financial and other reporting deliverables, the timeframes for achieving the contractual obligations, and any other requirements deemed necessary by the DOH, such as staffing and location requirements;
- Survey subcontractors annually and to specify the sanctions that shall be imposed for noncompliance with the terms of a subcontract;
- Establish and manage the subcontracts with a sufficient number of networks to ensure availability of pregnancy support and wellness services and to maintain delivery of those services throughout the contract term;
- Offer wellness services or vouchers or other appropriate payment arrangements that allow for the purchase of services from qualified providers;
- Subcontract only with providers that exclusively promote and support childbirth; and
- Ensure that informational materials provided to eligible clients are accurate, current, and cite a reference source of any medical statement.

The bill restricts the services provided under the contract to be non-coercive and instructional materials may not include faith-based content.

Section 2 provides an effective date of July 1, 2018.

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:

Either the subcontracted pregnancy support organizations or the network will be paying the costs of the criminal background checks at the cost of \$36.00 per employee or \$28.75 per volunteer.²⁵ The current contract between the program and the department requires the program's subcontractors to follow these same screening requirements.²⁶ The current contract places this responsibility on the individual subcontractors.

C. Government Sector Impact:

The DOH is responsible for the contractual oversight of the state's funding of the program. Proviso language included in the Fiscal Year 2017-2018 GAA places a cap of \$50,000 on DOH administrative costs.²⁷ CS/SB 444 does not place a maximum or minimum funding amount for the DOH's administrative oversight functions.

The FDLE will be processing additional background checks for the program employees and volunteers. It is unknown at this time how many employees or volunteers will be processed under this requirement. The background check will cost \$36.00 for employees and \$28.75 for volunteers.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DOH is concerned whether 10 percent of the appropriated funds is sufficient for the administrative and oversight responsibilities delineated in the bill for the DOH and the network.

Currently, in the network's contract, the DOH requires the network's subcontractors to conduct a Level 2 background screening on all staff and volunteers. These screenings are being performed under an existing User Agreement held by the DOH that may not be applicable to the new

²⁵ Florida Department of Law Enforcement, *Criminal History Record Check Fee Schedule* (Effective October 1, 2016) https://www.fdle.state.fl.us/cms/Criminal-History-Records/Documents/BackgroundChecks_FAQ.aspx, p. 8, (last visited Oct. 30, 2017)

²⁶ Contract between the DOH and the Florida Pregnancy Care Network, Inc., *Supra* note 13, at 9.

²⁷ *Supra* note 10.

²⁸ Contract between the DOH and the Florida Pregnancy Care Network, Inc., *Supra* note 13, at 9.

statutory language. FDLE recommended that the bill be amended to either specifically incorporate the screenings into a User Agreement specific to this purpose and hold the DOH responsible for the results or, alternatively, provide for the submission of fingerprints to FDLE and the FBI, provide that costs of the screening are to be borne by the applicant, and designate FDLE as the retention entity for screening results. The FDLE also recommended participation in the FBI's national retained fingerprint arrest notification program so that any future arrests would be reported to the DOH.

VIII. Statutes Affected:

This bill creates section 381.96 of the Florida Statutes.

IX. Additional Information:

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

CS by Health Policy on November 7, 2017:

The CS removes immunizations from the list of enumerated wellness services that may be provided by the network's subcontracted providers. The CS also adds wellness services to the services for which the DOH shall contract with the network.

- B. **Amendments:**

None.

By the Committee on Health Policy; and Senator Bean

588-01112-18

2018444c1

A bill to be entitled

An act relating to pregnancy support services; creating s. 381.96, F.S.; providing definitions; requiring the Department of Health to contract with a not-for-profit statewide alliance of organizations to provide pregnancy support and wellness services through subcontractors; providing duties of the department; providing contract requirements; requiring the contractor to spend a specified percentage of funds on direct client services; providing for subcontractor background screenings under certain circumstances; requiring the contractor to annually survey subcontractors; specifying the entities eligible for a subcontract; requiring services to be provided in a noncoercive manner; forbidding the inclusion of faith-based content in informational materials; providing an effective date.

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

Section 1. Section 381.96, Florida Statutes, is created to read:

381.96 Pregnancy support services.—

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

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

(b) "Eligible client" means a pregnant woman or a woman who suspects that she is pregnant, and the family of such a woman, who voluntarily seeks pregnancy support services. The period of eligibility may continue for, but may not exceed, 12 months

Page 1 of 4

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

588-01112-18

2018444c1

after the birth of the child.

(c) "Florida Pregnancy Care Network, Inc.," or "network" means the not-for-profit statewide alliance of pregnancy support organizations that provide pregnancy support services through a comprehensive system of care to women and their families.

(d) "Pregnancy support services" means services that promote and encourage childbirth, including, but not limited to:

1. Direct client services, such as pregnancy testing, counseling, referral, training, and education for pregnant women and their families.

2. Program awareness activities, including a promotional campaign to educate the public about the pregnancy support services offered by the network and a website that provides information on the location of providers in the user's area, as well as other available community resources.

3. Communication activities, including the operation and maintenance of a hotline or call center with a single statewide toll-free telephone number which is available 24 hours a day for an eligible client to obtain the location and contact information for a pregnancy center located in his or her area.

(e) "Wellness services" means services or activities intended to maintain and improve health or prevent illness and injury, including, but not limited to, high blood pressure screening, anemia testing, thyroid screening, cholesterol screening, diabetes screening, and assistance with smoking cessation.

(2) DEPARTMENT DUTIES.—The department shall contract with the network for the management and delivery of pregnancy support and wellness services to eligible clients.

Page 2 of 4

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

588-01112-18

2018444c1

59 (3) CONTRACT REQUIREMENTS.—The department contract must
 60 specify the contract deliverables, including financial reports
 61 and other reports due to the department, timeframes for
 62 achieving contractual obligations, and any other requirements
 63 that the department determines are necessary, such as staffing
 64 and location requirements. The contract must require the network
 65 to:

66 (a) Establish, implement, and monitor a comprehensive
 67 system of care through subcontractors which meets the pregnancy
 68 support and wellness needs of eligible clients.

69 (b) Establish and manage subcontracts with a sufficient
 70 number of providers to ensure the availability of pregnancy
 71 support and wellness services for eligible clients and maintain
 72 and manage the delivery of such services throughout the contract
 73 period.

74 (c) Spend at least 90 percent of contract funds on
 75 pregnancy support and wellness services.

76 (d) Offer wellness services through vouchers or other
 77 appropriate arrangements that allow the purchase of services
 78 from qualified health care providers.

79 (e) Require a background screening, as provided in s.
 80 943.0542, for all paid staff and volunteers of a subcontractor
 81 if such staff or volunteers provide direct client services to an
 82 eligible client who is a minor or an elderly person or who has a
 83 disability.

84 (f) Annually survey its subcontractors and specify the
 85 sanctions that will be imposed for noncompliance with the terms
 86 of a subcontract.

87 (g) Subcontract only with providers that exclusively

588-01112-18

2018444c1

88 promote and support childbirth.

89 (h) Ensure that informational materials provided to an
 90 eligible client by a provider are current and accurate and cite
 91 the source of any medical statement included in the materials.

92 (4) SERVICES.—Services provided pursuant to this section
 93 must be provided in a noncoercive manner and instructional
 94 materials may not include any faith-based content.

95 Section 2. This act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: January 11, 2018

I respectfully request that **Senate Bill # 444**, relating to Pregnancy Support Services, be placed on the:

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

A handwritten signature in blue ink that reads "Aaron Bean".

Senator Aaron Bean
Florida Senate, District 4

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/18
Meeting Date

444
Bill Number (if applicable)

Topic PREGNANCY SUPPORT SERVICES

Amendment Barcode (if applicable)

Name BILL BUNKLEY

Job Title PRESIDENT

Address PO BOX 341644
Street

Phone 813.380.4044

TAMPA FL 33694
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA ETHICS AND RELIGIOUS LIBERTY COMMISSION

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)

1-18-18

Meeting Date

444

Bill Number (if applicable)

Topic

Crisis Pregnancy Centers

Amendment Barcode (if applicable)

Name

Barbara DeVane

Job Title

MS

Address

1625 E. Broadway St

Phone

251-4280

Street

Tallahassee

FL

32308

Email

barbaradevane1@gmail.com

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

FL NOW

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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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)

1/18/18
Meeting Date

444
Bill Number (if applicable)

Topic Pregnancy Support

Amendment Barcode (if applicable)

Name Betsy Franceschini

Job Title Social Services

Address 920 Seneca Dr
Street

Phone 407-765-6900

Doral
City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Hispanic Federation

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)

1/18/2017

Meeting Date

444

Bill Number (if applicable)

Topic Pregnancy Support Services

Amendment Barcode (if applicable)

Name Stephanie Pineiro

Job Title Social Worker

Address 2019 Dixie Belle Dr. Unit S

Phone 407 969 5285

Street

Orlando

FL

32812

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against

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

Representing Hispanic Federation
Central Florida Women's Emergency Fund

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)

11/18/18

Meeting Date

444

Bill Number (if applicable)

Topic Pregnancy Support Services

Amendment Barcode (if applicable)

Name Missy Wesolowski

Job Title Director of Public Policy

Address 2300 N. Florida Mango Rd

Street

Phone 561-472-9942

West Palm Beach

City

FL

State

33419

Zip

Email missy@ppsenfl.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Alliance of Planned Parent Affiliates

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)

1/18/18

Meeting Date

SB444

Bill Number (if applicable)

Topic SB444

Amendment Barcode (if applicable)

Name Madeline Brezin

Job Title Ø

Address 434 w Jefferson Apt. 301
Street

Phone 850-556-5071

Tallahassee FL 32301
City State Zip

Email mqb16v@my.fsu.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18/18

Meeting Date

444

Bill Number (if applicable)

Topic Crisis Pregnancy Centers

Amendment Barcode (if applicable)

Name Kim Armstrong

Job Title Self employed

Address 1059 Parkview Dr

Street

Phone 850 778 5855

Tallahassee

City

State

Zip

Email Noelleont@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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)

1/18/2018
Meeting Date

SB 1A4
Bill Number (if applicable)

Topic Pregnancy Support Services

Amendment Barcode (if applicable)

Name Ashley Smith

Job Title Communications

Address Bres Sullivan

Phone 850 896 6897

Street
Tlt
City

FL
State

32207
Zip

Email NA

Speaking: ☐ For ☐ Against ☐ Information

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

Representing I am a concerned citizen

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)

18 January 2018

Meeting Date

SB444

Bill Number (if applicable)

Topic CPC

Amendment Barcode (if applicable)

Name Nia Desiree Spaulding

Job Title _____

Address 667 Gamble St.

Street

Phone _____

Tallahassee

City

FL

State

32310

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Nia Desiree Spaulding

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)

1/18/18

Meeting Date

SB444

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Summer Martinez

Job Title Personal Assistant

Address 2112 N. Arendell Way

Street

Phone (619) 736-1849

Tallahassee

City

FL

State

32308

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/18

Meeting Date

SB 444

Bill Number (if applicable)

Topic Crisis Pregnancy Centers

Amendment Barcode (if applicable)

Name Sarah Whittington

Job Title Director

Address 1409 Lehigh Dr.

Phone 904-534-5464

Street

Tallahassee FL 32301

City

State

Zip

Email Corene.hall@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/18

Meeting Date

SB 444

Bill Number (if applicable)

Topic Phony Pregnancy Clinics

Amendment Barcode (if applicable)

Name Linda Miklowitz

Job Title _____

Address 2542 Arthur's Court
Street

Phone 850.559.1312

Tallahassee FL 32301
City State Zip

Email LMiklowitz@aol.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

1-18-18
Meeting Date

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

444
Bill Number (if applicable)

Topic CR C

Amendment Barcode (if applicable)

Name Lisa Bullington

Job Title retired educator

Address 740 Medallion Way

Phone _____

Tallahassee FL 32317
City State Zip

Email thebullingtons74@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-18-18

Meeting Date

SB444

Bill Number (if applicable)

Topic UPL

Amendment Barcode (if applicable)

Name Adrian Blakey

Job Title _____

Address P.O. Box 401

Phone _____

Street

midway

City

FL

State

32343

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Adrian Blakey

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)

01/18/18

Meeting Date

SB 444

Bill Number (if applicable)

Topic SB 444

Amendment Barcode (if applicable)

Name Imani Hutchinson

Job Title _____

Address 457 Bush Park Circle
Street

Phone 205-422-0860

Tallahassee
City

State

Zip

Email imani.kk@99@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/18
Meeting Date

SB 444
Bill Number (if applicable)

Topic Pregnancy support services

Amendment Barcode (if applicable)

Name Haley Gentile

Job Title _____

Address 2064 Holmes St.
Street

Phone _____

Tallahassee, FL
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/18
Meeting Date

CS/SB 444
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jon Harris Maurer

Job Title Government Affairs Manager

Address 201 E Park Ave., Ste. 200
Street
Tallahassee FL 32301
City State Zip

Phone _____

Email jonharris@equalityflorida.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Equality Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/18
Meeting Date

SB 444
Bill Number (if applicable)

Topic CRISIS pregnancy center

Amendment Barcode (if applicable)

Name Leor Tal (like Lee-or Tall)

Job Title _____

Address 2636 Mission Road

Phone 352-348-1076

Street

Tallahassee

City

FL

State

32304

Zip

Email LT146@my.fsu.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida NOW

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/18

Meeting Date

444

Bill Number (if applicable)

Topic Pregnancy Support Services

Amendment Barcode (if applicable)

Name Ingrid Delgado

Job Title Associate for Social Concerns & Respect Life

Address 201 W Park Ave

Phone _____

Street

Tallahassee

FL

State

32301

Zip

Email _____

City

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Conference of Catholic Bishops

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)

1/18/18

Meeting Date

444

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Amber Kelly

Job Title Director of Policy & Communications

Address 4853 S. Orange Avenue, Suite C

Phone (407) 418-0250

Street

Orlando

FL

32806

Email _____

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL Family Action

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)

1-18-18
Meeting Date

SB 444
Bill Number (if applicable)

Topic Pregnancy Support Services

Amendment Barcode (if applicable)

Name Barbara Wilson

Job Title Retired

Address 107 Wildlife Lane
Street
Crawfordville FL 32327
City State Zip

Phone 850-926-1357

Email bwilson32327@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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)

1/18/18
Meeting Date

444
Bill Number (if applicable)

Topic PREGNANCY SUPPORT SERVICES

Amendment Barcode (if applicable)

Name CHARO VALERO

Job Title FL STATE Policy DIRECTOR

Address 8235 NE 82 ND AVE
Street

Phone 786 442 8199

Miami FL 33168
City State Zip

Email CHARO@LATINA INSTITUTE.ORG

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FL LATINA ADVOCACY NETWORK

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)

January 18, 2018
Meeting Date

SB444
Bill Number (if applicable)

Topic SB444

Amendment Barcode (if applicable)

Name Crishelle Bailey

Job Title _____

Address 1510 Wahnish Way
Street
Tallahassee FL 32307
City State Zip

Phone 904-624-6046

Email crishelleb21@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Ourselves

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 564

INTRODUCER: Appropriations Committee and Senator Young

SUBJECT: John M. McKay Scholarships for Students with Disabilities Program

DATE: January 17, 2018

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Androff	Graf	ED	Favorable
2. Sikes	Elwell	AED	Recommend: Favorable
3. Sikes	Hansen	AP	Fav/CS
4. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 564 modifies the John M. McKay Scholarships for Students with Disabilities Program to:

- Specify that a parent of a student who is hospitalized or homebound who seeks a reevaluation of an existing individual education plan (IEP) may request an IEP meeting and evaluation from the school district to obtain or revise a matrix of services for an eligible student. The school district must conduct the meeting and develop an IEP and a revised matrix of services within 30 days after receipt of the parent's request.
- Authorize a school district to change a matrix of services based on the result of an IEP reevaluation.

The bill has no impact on state revenues and an indeterminate impact on state expenditures relating to the McKay Scholarships. A hospitalized or homebound student whose parent requests an IEP reevaluation may obtain a revised matrix of services, which may result in the student receiving a higher or lower McKay Scholarship amount. Because the McKay Scholarship funds pass through the district to the parent and private school, there is no fiscal impact on the school district. The change to the McKay Scholarship award amounts is indeterminate.

The bill takes effect July 1, 2018.

II. Present Situation:

The Legislature has established scholarship programs to provide school choice options to parents of students with a disability.

McKay Scholarship for Students with Disabilities Program

The John M. McKay Scholarship Program For Students With Disabilities Program (McKay Program) is established to provide the option to attend an eligible public or private school for students with a disability who have an individual education plan¹ or an accommodation plan that has been issued under section 504 of the Rehabilitation Act of 1973 (504 accommodation plan).²

A student with a disability, for purposes of the McKay Program, includes a K-12 student who is documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; an other health impairment; an emotional or behavioral disability; a specific learning disability, including but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.³

A student must meet specified eligibility requirements for the McKay Program,⁴ and the scholarship award remains in place until the student recipient returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.⁵

Individual Education Plan

An individual education plan (IEP) is a written plan for the special education of a student with a disability that provides a clear statement of the expected outcomes and the special education services and supports to be provided to the student.⁶ The IEP must include specified information such as:⁷

- A child's academic achievement and functional performance,
- How the child will be included in the general education curriculum,
- Annual goals for the child and how those goals will be measured,
- The special education and related services to be provided to the student,
- How the child will be appropriately assessed, including the use of alternate assessments, and

¹ The Individualized Education Plan is written in accordance with the rules of the State Board of Education. Section 1002.39(1)(a), F.S.

² Section 1002.39(1), F.S.

³ Section 1002.39(1), F.S.

⁴ *Id.* at (2) and (9).

⁵ *Id.* at (4)(a).

⁶ See Florida Department of Education, Bureau of Exceptional Education and Student Services, *Developing Quality Individual Educational Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>; Florida Department of Education, Bureau of Exceptional Education and Student Services, *Getting Ready for Your Student's Individual Educational Plan (IEP) Meeting* (2016), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070119-iep-card.pdf>.

⁷ See Rules 6A-6.03028(3)(h), 6A-6.03029(3), and 6A-6.030191(4), F.A.C.

- The appropriate accommodations that are necessary for the student's instruction and assessment.

An IEP must be developed, reviewed, and revised for each eligible student or child with a disability served by a school district or other state agency that provides special education and related services either directly, by contract, or through other arrangements.⁸

An IEP team must meet to develop a plan for the student's needs within 30 days after determining a student's eligibility for special education and related services and must be in effect prior to the provision of these services.⁹ A meeting must be held, at least annually, to develop, review and revise the IEP in accordance with all aspects of the State Board of Education rule.¹⁰ The multidisciplinary IEP team includes the student's parent, at least one regular education teacher of the student, at least one special education teacher of the student, a qualified school district representative, and additional individuals as appropriate and necessary.¹¹ An IEP must be in effect at the beginning of each school year for each eligible student with a disability within the school district's jurisdiction.¹²

Parents are partners with schools and school district personnel in developing, reviewing, and revising the IEP for their students.¹³ The school district must obtain informed consent from the parent before providing exceptional student education services to a student.¹⁴ Each school district must establish procedures that provide the opportunity for one or both of the student's parents to participate in meetings and decisions concerning the IEP for the student.¹⁵ The role of a parent in developing the IEP includes:¹⁶

- Providing critical information regarding the strengths of the student;
- Expressing any concerns for enhancing the education of the student so that the student can receive a free appropriate public education;
- Participating in discussions about the student's need for special education and related services;
- Participating in the determination of how the student will be involved and progress in the general curriculum, including participation in the statewide assessment program and in district-wide assessments;
- Participating in the determination of what services the school district will provide to the student and in what setting; and
- Participating in the determination of which course of study leading towards a standard diploma the student will pursue.

⁸ Rule 6A-6.03028(3), F.A.C.

⁹ *Id.* at (3)(f)2.

¹⁰ *Id.* at (3)(f)3.

¹¹ *Id.* at (3)(c).

¹² Rule 6A-6.03028(3)(f)1., F.A.C.

¹³ Rule 6A-6.03028(3), F.A.C.

¹⁴ Rule 6A-6.0331(9)(a), F.A.C.

¹⁵ Rule 6A-6.03028(3)(b), F.A.C.

¹⁶ *Id.* at (a).

State Board of Education rule provides that a parent is not limited from asking for revisions of the child's IEP or invoking due process procedures.¹⁷

Matrix of Services

The Commissioner of Education must specify a Matrix of Services and Intensity Levels (matrix) to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need.¹⁸ The Florida Department of Education (DOE) has developed the Matrix of Services Handbook to provide districts, schools, and teachers with information about the matrix required for selected students with exceptionalities.¹⁹ The matrix is designed with five levels in each of the following five domain areas:²⁰

- **Curriculum and Learning Environment:** This domain addresses services provided to the student in the areas of curriculum, instructional strategies, and learning environment.
- **Social or Emotional Behavior:** This domain includes services provided to meet identified social and emotional needs of students with exceptionalities, such as positive behavioral supports, behavioral interventions, social skills development, socialization, and counseling as a related service.
- **Independent Functioning:** This domain includes services that are necessary for the independent functioning of students with exceptionalities, such as instruction in organizational strategies, assistance for activities of daily living and self-care, physical therapy, occupational therapy, orientation and mobility training, and supervision of students to ensure physical safety.
- **Health Care:** This domain addresses services provided to students with exceptionalities who have health care needs. Included in this domain are services related to monitoring and assessment of health conditions, provision of related health care services, and interagency collaboration.
- **Communication:** This domain includes services provided to support the communication needs of students with exceptionalities. Services included in this domain are personal assistance, instructional interventions, speech or language therapy, and the use of alternative and augmentative communication systems.

A student is evaluated within each of these five domains to determine the appropriate level of service the student requires: Level 1 represents the lowest level of service, and Level 5 represents the highest level of service.²¹ The frequency and intensity of the service and the qualifications of personnel required to provide the service are critical factors that impact the determination of the appropriate level of service for the student.²²

¹⁷ *Id.* at (m)4.

¹⁸ Section 1011.62(1)(c), F.S.

¹⁹ Florida Department of Education, *Exceptional Student Education Matrix of Services Handbook* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>.

²⁰ *Id.*

²¹ Florida Department of Education, *Exceptional Student Education Matrix of Services Handbook* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>.

²² *Id.*

School District Obligations

By April 1 of each year, and within 10 days after an IEP meeting or a 504-accommodation plan is issued, a school district is required to notify the parent of the student of all options available in the McKay Scholarship Program, inform the parent of the DOE's telephone hotline and internet website for additional information on the McKay Scholarships, and offer the student's parent an opportunity to enroll the student in another public school in the district.²³

Within 10 school days after the school district receives notification of a parent's request for a McKay Scholarship, the school district must notify the student's parent if a matrix of services has not been completed and inform the parent that the district is required to complete the matrix within 30 days after receiving notice of the parent's request for a McKay Scholarship.²⁴ The school district must complete the matrix of services for any student who is participating in the McKay Scholarship and must notify the DOE of the student's matrix level within 30 days after receiving notification of a request to participate in the program.²⁵ The school district must provide the student's matrix level to the student's parent within 10 school days after the matrix of services is completed.²⁶

Under the McKay Program, a school district may change a matrix of services only if the change is to correct a technical, typographical, or calculation error.²⁷ A school district must notify parents of the availability of a reevaluation at least every three years of each student who receives a McKay Scholarship.²⁸

III. Effect of Proposed Changes:

This bill modifies the John M. McKay Scholarships for Students with Disabilities Program to:

- Specify that a parent of a student who is hospitalized or homebound who seeks a reevaluation of an existing individual education plan (IEP) may request an IEP meeting and evaluation from the school district to obtain or revise a matrix of services for an eligible student. The school district must conduct the meeting and develop an IEP and a revised matrix of services within 30 days after receipt of the parent's request.
- Authorize a school district to change a matrix of services based on the result of an IEP reevaluation.

The bill modifies the basis for changing the matrix of services by a school district as a result of a request for a reevaluation of an existing IEP by the student's parent. This modification is consistent with a similar provision regarding a school district's authority to change a student's matrix of services under the Gardiner Scholarship Program.²⁹ The bill may allow an IEP team to consider the student's most recent circumstances, which may help the team in revising the IEP and adjusting the student's matrix of services to effectively meet the student's current needs.

²³ Section 1002.39(5)(a)1., F.S.

²⁴ *Id.* at (b)2.a., F.S. This notice should include the required completion date for the matrix. *Id.*

²⁵ *Id.* at (b)2.b.

²⁶ *Id.*

²⁷ Section 1002.39(5)(b)2.d., F.S.

²⁸ *Id.* at (c).

²⁹ Section 1002.385(7)(a)2.c., F.S.

The bill takes effect July 1, 2018.

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:

None.

C. Government Sector Impact:

According to the Florida Department of Education (DOE), a change in a hospitalized or homebound student's matrix of services may result in the student receiving a higher or lower McKay Scholarship amount, which may affect the total funds the district receives through the Florida Education Finance Program (FEFP).³⁰ Because the McKay Scholarship funds pass through the district to the parent and private school, there is no fiscal impact on the school district. The change to the McKay Scholarship award amounts is indeterminate.³¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

³⁰ Florida Department of Education, *SB 564 Analysis* (2018), at 3.

³¹ *Id.*

VIII. Statutes Affected:

This bill substantially amends section 1002.39 of the Florida Statutes.

IX. Additional Information:

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

CS by Appropriations on January 18, 2017:

The committee substitute clarifies that only a parent of a student who is hospitalized or homebound who seeks a reevaluation of an existing individual education plan (IEP) may request an IEP meeting and evaluation from the school district to obtain or revise a matrix of services for an eligible student. The school district must conduct the meeting and develop an IEP and a revised matrix of services within 30 days after receipt of the parent's request.

- B. **Amendments:**

None.



408434

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Young) recommended the following:

Senate Amendment (with title amendment)

Delete lines 31 - 34
and insert:

2. If a student is hospitalized or homebound and his or her parent seeks a reevaluation of an existing individual education plan, the parent may request an individual education plan meeting and evaluation from the school district to obtain or revise a matrix of services. The school district shall conduct the meeting and develop an individual education plan and a



408434

revised matrix of services within 30 days after receipt of the
parent's request for a reevaluation, in accordance with State
Board of Education rules. For purposes of this subparagraph, the
term "hospitalized or homebound" has the same meaning as
"hospital or homebound" in s. 1002.385(2) (d).

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

And the title is amended as follows:

Delete lines 4 - 7

and insert:

1002.39, F.S.; providing that parents of certain
students who are seeking an individual education plan
reevaluation may request a specified meeting and
evaluation from the school district; requiring the
school district to conduct the meeting and
reevaluation within a specified timeframe; defining
the term "hospitalized or homebound"; specifying that
a school district may change

By Senator Young

18-00553-18

2018564

A bill to be entitled

An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; providing that parents seeking an individual education plan reevaluation may request a specified meeting and evaluation from the school district; specifying that a school district may change a student's matrix of services as a result of an individual education plan reevaluation; providing an effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (5) of section 1002.39, Florida Statutes, are amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

(5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a)1. By April 1 of each year and within 10 days after an individual education plan meeting or a 504 accommodation plan is issued under s. 504 of the Rehabilitation Act of 1973, a school district shall notify the parent of the student of all options available pursuant to this section, inform the parent of the availability of the department's telephone hotline and ~~Internet~~ website for additional information on John M. McKay Scholarships, and offer that student's parent an opportunity to

Page 1 of 3

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

18-00553-18

2018564

enroll the student in another public school in the district.

2. A parent who seeks a reevaluation of an existing individual education plan may request an individual education plan meeting and evaluation from the school district to obtain or revise a matrix of services.

~~3.2-~~ The parent is not required to accept the offer of enrolling in another public school in lieu of requesting a John M. McKay Scholarship to a private school. However, if the parent chooses the public school option, the student may continue attending a public school chosen by the parent until the student graduates from high school.

~~4.3-~~ If the parent chooses a public school consistent with the district school board's choice plan under s. 1002.31, the school district shall provide transportation to the public school selected by the parent. The parent is responsible to provide transportation to a public school chosen that is not consistent with the district school board's choice plan under s. 1002.31.

(b)1. For a student with disabilities who does not have a matrix of services under s. 1011.62(1)(e), the school district must complete a matrix that assigns the student to one of the levels of service as they existed prior to the 2000-2001 school year.

2.a. Within 10 school days after it receives notification of a parent's request for a John M. McKay Scholarship, a school district must notify the student's parent if the matrix of services has not been completed and inform the parent that the district is required to complete the matrix within 30 days after receiving notice of the parent's request for a John M. McKay

Page 2 of 3

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18-00553-18

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Scholarship. This notice should include the required completion date for the matrix.

b. The school district must complete the matrix of services for any student who is participating in the John M. McKay Scholarships for Students with Disabilities Program and must notify the department of the student's matrix level within 30 days after receiving notification of a request to participate in the scholarship program. The school district must provide the student's parent with the student's matrix level within 10 school days after its completion.

c. The department shall notify the private school of the amount of the scholarship within 10 days after receiving the school district's notification of the student's matrix level.

d. A school district may change a matrix of services only if the change is the result of an individual education plan reevaluation or is necessary to correct a technical, typographical, or calculation error.

Section 2. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Appropriations Subcommittee on Pre-K - 12
Education, *Vice Chair*
Commerce and Tourism
Communications, Energy, and Public Utilities
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DANA YOUNG

18th District

January 11, 2018


Senator Rob Bradley, Chair
Senate Appropriations Committee
201 The Capitol
404 S. Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Bradley,

My Senate Bill 564 relating to McKay Scholarships for Students with Disabilities Program has been referred to your committee for a hearing. I respectfully request that this bill be placed on your next available agenda.

Should you have any questions, please do not hesitate to reach out to me.

Sincerely,



Dana Young
State Senator – 18th District

cc: Mike Hansen, Staff Director – Senate Appropriations Committee

REPLY TO:

- ☐ 1211 N. Westshore Blvd, Suite 409, Tampa, Florida 33607 (813) 281-5507
- ☐ 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-18-18
Meeting Date

564
Bill Number (if applicable)

Topic McKay Scholarships

408434
Amendment Barcode (if applicable)

Name Connie Milito

Job Title Chief Officer, Gov. Relations

Address 901 E Kennedy Blvd

Phone 813-272-4519

Tampa FL 33601
City State Zip

Email cmilito@sdhc.us

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Hills County Public Schools

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/18

Meeting Date

564

Bill Number (if applicable)

408431

Amendment Barcode (if applicable)

Topic John McKinley Scholarship for Students w/ Disabilities

Name Janet Lamoreaux

Job Title _____

Address 1345 Turkey Trl

Street

Phone 863-899-7301

Lakeland FL 33810

City

State

Zip

Email janetL@tampabay.rr.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

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)

1-18-18
Meeting Date

564
Bill Number (if applicable)

Topic McKay Scholarships Program

408434
Amendment Barcode (if applicable)

Name Wendy Dodge

Job Title Director of Legislative Affairs

Address PO Box 391

Phone 863-838-3632

Bartow FL 33831
City State Zip

Email wendy.dodge@polk-fl.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Polk County Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/18

Meeting Date

564

Bill Number (if applicable)

Topic JOHN MCKAY SCHOLARSHIPS for STUDENTS

Amendment Barcode (if applicable)

Name BILL BUNKLEY

Job Title PRESIDENT

Address PO BOX 341644

Phone 813.380.4044

Street

TAMPA

FL

33694

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA ETHICS AND RELIGIOUS LIBERTY COMMISSION

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)

11/18/18

Meeting Date

564

Bill Number (if applicable)

Topic John Mackey Scholarship for Students w/ Disabilities Amendment Barcode (if applicable)

Name Janet Lamoureux

Job Title _____

Address 1345 Turkey Trl
Street

Phone 863-899-2301

Lakeland FL 33810
City State Zip

Email janet.lamoureux@cc.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: PCS/SB 610 (660674)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); and Senator Young

SUBJECT: Business Filings

DATE: January 17, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
2.	<u>Wells/Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>Wells/Hrdlicka</u>	<u>Hansen</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 610 makes two changes to the statutes regarding limited liability corporations, business corporations, not-for profit corporations, and limited partnerships.

The bill requires the Department of State (department) to notify an entity or its authorized representative of the filing of a record either by email address or mailing address. If the filing changes the email address, the department must send the notification to the new email address and the most recent prior email address. If the filing changes the mailing address, the department must send the notification to the new mailing address and to the most recent prior mailing address.

The bill authorizes an entity to correct a business filing within 30 days after the filing if the record contains false, misleading, or fraudulent information. The fees will be waived if a statement of correction is delivered to the department within 15 days of the entity being notified of the filing.

The department will incur costs to implement the requirements of this bill. However, the amount of costs are unknown at this time because the department has not provided such information.

The bill takes effect July 1, 2018.

II. Present Situation:

The Florida Department of State

The Florida Department of State (department) consists of six divisions: the Division of Elections; Division of Historical Resources; Division of Library and Information Services; Division of Cultural Affairs; Division of Administration; and Division of Corporations.¹

The Division of Corporations (division) maintains a registry for recording and retrieving commercial information that is filed or registered with the department.² In total, the division maintains more than eight million records, including a variety of business entity filings such as articles of incorporation or other forms of business entity organization, annual reports, trade and service mark registrations, judgment lien filings, and fictitious name registrations.³ The division determines whether submitted filings and forms meet the pertinent statutory requirements and then records and indexes those filings in its database of records.⁴ This database is publicly available, as are all documents filed with the department.⁵ As of November 1, 2017, the division began sending e-mail notifications to business entities upon its receipt and filing of certain types of business entity filings.^{6,7}

Business Identity Theft

Business identity theft is the impersonation of a business, or one of its owners, employees, or officers, with the intent to defraud or to make illicit gain to the detriment of the business.⁸ One common business identity theft scheme is to make fraudulent filings with the department of State that change the address of the business or name of its officers.⁹ This allows the identity thieves to open new lines of credit in the business' name without its knowledge because information is mailed to the thieves' name and address rather than to the business.

Several states provide informational resources or heightened monitoring to help prevent business identity theft:

¹ Section 20.10, F.S.

² See ss. 55.201 and 606.04, F.S. See also www.sunbiz.org, (last visited Nov. 20, 2017) the division's official website that serves as the state's official business index.

³ Florida Auditor General, *Operational Audit: Department of State, Division of Corporations, Museum of Florida History, and Selected Administrative Activities*, Report No. 2017-195, p. 2, (Mar. 2017), available at https://flauditor.gov/pages/pdf_files/2017-195.pdf (last visited Nov. 16, 2017). See also Florida Department of State, *Long Range Program Plan FY 2018-19 through FY 2022-23*, pp. 13-14, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=17110&DocType=PDF> (last visited Nov. 19, 2017).

⁴ *Id.* See also, e.g. ss. 605.0210(5), 607.0125(4), and 617.0125(4) F.S.

⁵ See Florida Department of State, *Corporation Records Search Guide*, available at <http://dos.myflorida.com/sunbiz/search/guides/corporation-records/> (last visited Nov. 16, 2017).

⁶ Florida Department of State, *SB 610 Agency Analysis*, p. 2 (Nov. 13, 2017) (on file with the Senate Committee on Commerce and Tourism).

⁷ Currently, the department is required to deliver an acknowledgement or certified copy of any filed document to a limited liability company or corporation or the authorized representative by mail. Sections 605.0210(2), 607.0125(2), and 617.0125(2), F.S.

⁸ BusinessIDTheft.org, *What is Business Identity Theft?*, <http://www.businessidtheft.org/Education/WhyBusinessIDTheft/tabid/85/Default.aspx> (last visited Nov. 16, 2017).

⁹ Experian Decision Analytics, *Identifying Small-Business Fraud*, p. 5 (2009) available at <https://www.experian.com/whitepapers/Identifying-Small-Business-Fraud.pdf> (last visited Nov. 16, 2017).

- Maine has a monitoring program that emails an enrolled business each time a filing is made under its name;¹⁰
- Nevada’s Secretary of State may investigate fraudulent business filings and administratively prosecute those who fraudulently file such documents;¹¹
- Colorado provides a secure business filing portal, which requires a password to file business documents;¹² and
- California’s Secretary of State provides a resource guide for businesses.¹³

A business may also protect itself from identity theft by monitoring its credit profile through one of the national credit bureaus and by periodically reviewing its business filings on the appropriate state portal.

In Florida, cases of business identity theft can be prosecuted under s. 817.568, F.S. Identity theft is punishable by a third degree felony up to a first degree felony, depending on the presence of aggravating circumstances, including the number of victims harmed and the pecuniary value amassed by the perpetrator.¹⁴

III. Effect of Proposed Changes:

The bill makes two changes to the statutes regarding limited liability corporations, business corporations, not-for profit corporations, and limited partnerships.

The bill requires the department to notify an entity or its authorized representative of the filing of a record either by email address or by sending a copy of the document to the entity’s or representative’s mailing address. If the filing changes the email address, the department must send the notification to the new email address and the most recent prior email address. If the filing changes the mailing address, the department must send the notification to the new mailing address and to the most recent prior mailing address. Further, for limited liability corporations, corporations, and not-for-profit corporations, the department will no longer be required to send a certified copy of the document to the entity or its representative. (Section 2, amending s. 605.0210, F.S.; Section 4, amending s. 607.0125, F.S.; Section 6, amending s. 617.0125, F.S.; Section 7, amending s. 620.1206, F.S.; and Section 9, amending s. 620.8105, F.S.).

The bill authorizes an entity to correct a business filing within 30 days after the filing if the record contains false, misleading, or fraudulent information. The fees will be waived if a statement of correction is delivered to the department within 15 days of the entity being notified

¹⁰ Maine Bureau of Corporations, *Corporate Fraud Monitoring*, <https://www1.maine.gov/online/sos/cfm/> (last visited Nov. 16, 2017). This program costs enrollees \$35 per year.

¹¹ Nev. Rev. Stat. s. 225.084. *See also*, Nevada Secretary of State, *Forged or Fraudulent Filing Complaints*, <http://nvsos.gov/sos/businesses/forged-or-fraudulent-filing-complaints> (last visited Nov. 16, 2017). The Secretary of State’s investigation may only be initiated based on an affected business’ complaint.

¹² Colorado Secretary of State, *Business Identity Theft Resource Guide*, <https://www.sos.state.co.us/pubs/business/ProtectYourBusiness/BITresourceguide.html> (last visited Nov. 7, 2017).

¹³ California Secretary of State, *Business Identity Theft Resources*, <http://www.sos.ca.gov/business-programs/customer-alerts/alert-business-identity-theft/> (last visited Nov. 16, 2017).

¹⁴ A third degree felony is punishable by up to 5 years imprisonment and up to a \$5,000 fine; a second degree felony is punishable by up to 15 years imprisonment and up to a \$10,000 fine; a first degree felony is punishable by up to 30 years imprisonment and up to a \$10,000 fine. Sections 775.082 and 775.083, F.S.

of the filing. (Section 1, amending s. 605.0209, F.S.; Section 3, amending s. 607.0124, F.S.; Section 5, amending s. 617.0124, F.S.; Section 8, amending s. 620.1207, F.S.; and Section 10, creating s. 620.81054, F.S.).

Sections 11, 12, 13, 14, and 15 make conforming changes to ss. 620.1201, 620.1202, 620.1203, 620.1812, and 620.2108, F.S.

Section 16 provides the bill is effective July 1, 2018.

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:

Private businesses may see better protection from business identity theft and the economic losses associated with it.

C. Government Sector Impact:

The department has indicated that modifications to its current information system will be needed to implement the requirements of this bill. A fiscal analysis of the costs for, and the time needed to implement, such modifications have not been provided by the department. The department may have some cost savings due to the elimination of the requirement to send a certified copy of filed documents to the entity or its representative.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 605.0209, 605.0210, 607.0124, 607.0125, 617.0124, 617.0125, 620.1206, 620.1207, 620.8105, 620.1201, 620.1202, 620.1203, 620.1812, and 620.2108.

The bill creates section 620.81054 of the Florida Statutes.

IX. Additional Information:

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

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on December 7, 2017:

The committee substitute removes the new requirement of the department to develop and offer a business filing monitoring service, and instead:

- Requires the department, upon receipt of a record, to send a notice to the entity's or authorized representative's email address on file with the department. The CS creates specific requirements if the filing changes the email address or mailing address of the entity, and eliminates the requirement to send certified copies of documents to the entity or its representative.
- Authorizes an entity to correct a filed record if it contains false, misleading, or fraudulent information. The correction is not subject to any department fees if the correction is delivered to the department within 15 days of notification of the filing to the entity.

- B. **Amendments:**

None.



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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

A bill to be entitled

An act relating to business filings; amending s.
605.0209, F.S.; authorizing certain persons to correct
filed records that contain certain information;
providing that a statement of correction filed for
certain reasons is not subject to a Department of
State fee if delivered within a certain timeframe;
amending s. 605.0210, F.S.; requiring the department
to send a notice of the filing of a record through e-
mail or send a copy of the document to the mailing
address of the entity or its representative; providing
notice requirements for the department if the record
changes an entity's e-mail or mailing address;
amending s. 607.0124; authorizing a domestic or
foreign corporation to correct certain documents if
they contain false, misleading, or fraudulent
information; providing that articles of correction
filed for certain reasons are not subject to any
department fee if delivered within a certain
timeframe; amending s. 607.0125, F.S.; requiring the
department to send a notice of the filing of a record
through e-mail or send a copy of the document to the
mailing address of the entity or its representative;
providing notice requirements for the department if
the record changes the entity's e-mail or mailing
address; amending s. 617.0124, F.S.; authorizing a



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domestic or foreign corporation to correct certain
documents if they contain false, misleading, or
fraudulent information; providing that articles of
correction filed for certain reasons are not subject
to any department fee if delivered within a certain
timeframe; amending s. 617.0125, F.S.; requiring the
department to send a notice of the filing of a record
through e-mail or send a copy of the document to the
mailing address of the domestic or foreign corporation
or its representative; providing notice requirements
for the department if the record changes the domestic
or foreign corporation's e-mail or mailing address;
amending s. 620.1206, F.S.; requiring the department
to send a notice of the filing of a record through e-
mail or send a copy of the document to the mailing
address of the limited partnership, foreign limited
partnership, or its registered agent; providing notice
requirements for the department if the record changes
the limited partnership's or foreign limited
partnership's e-mail or mailing address; amending s.
620.1207, F.S.; authorizing a limited partnership or
foreign limited partnership to correct certain
documents if they contain misleading or fraudulent
information; providing that a statement of correction
filed for certain reasons is not subject to any
department fee if delivered within a certain
timeframe; amending s. 620.8105, F.S.; requiring the
department to send a notice of the filing of a
document through e-mail or send a copy of the document



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56 to the mailing address of the partnership, limited
57 liability partnership, or its agent; providing notice
58 requirements for the department if the record changes
59 the partnership's or limited liability partnership's
60 e-mail or mailing address; creating s. 620.81054,
61 F.S.; authorizing a partnership or limited liability
62 partnership to correct a document filed by the
63 department within a certain timeframe and under
64 certain circumstances; providing guidelines for
65 correcting a document; providing construction;
66 providing that articles of correction filed for
67 certain reasons are not subject to a department fee if
68 delivered within a certain timeframe; amending ss.
69 620.1201, 620.1202, 620.1203, 620.1812, and 620.2108,
70 F.S.; conforming provisions to changes made by the
71 act; providing an effective date.

72
73 Be It Enacted by the Legislature of the State of Florida:

74
75 Section 1. Subsection (1) of section 605.0209, Florida
76 Statutes, is amended, and subsection (5) is added to that
77 section, to read:

78 605.0209 Correcting filed record.—

79 (1) A person on whose behalf a filed record was delivered
80 to the department for filing may correct the record if any of
81 the following applies:

- 82 (a) The record at the time of filing was inaccurate. ~~+~~
83 (b) The record was defectively signed. ~~+~~ ~~or~~
84 (c) The electronic transmission of the record to the



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85 department was defective.

86 (d) The record contains false, misleading, or fraudulent
87 information.

88 (5) A statement of correction filed to correct false,
89 misleading, or fraudulent information is not subject to any
90 department fee if the statement of correction is delivered to
91 the department within 15 days after the notification of filing
92 sent pursuant to s. 605.0210.

93 Section 2. Subsection (2) of section 605.0210, Florida
94 Statutes is amended to read:

95 605.0210 Duty of department to file; review of refusal to
96 file; transmission of information by department.—

97 (2) After filing a record, the department shall send notice
98 deliver an acknowledgment of the filing to the e-mail address on
99 file for the entity or its authorized representative or shall
100 send a ~~or certified~~ copy of the document to the mailing address
101 of such entity ~~the company or foreign limited liability company~~
102 or its authorized representative. If the record changes the
103 entity's e-mail address, the department must send such notice to
104 the new e-mail address and to the most recent prior e-mail
105 address. If the record changes the entity's mailing address, the
106 department must send such notice to the new mailing address and
107 to the most recent prior mailing address.

108 Section 3. Subsection (1) of section 607.0124, Florida
109 Statutes, is amended, and subsection (4) is added to that
110 section, to read:

111 607.0124 Correcting filed document.—

112 (1) A domestic or foreign corporation may correct a
113 document filed by the Department of State within 30 days after



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filing if the document if any of the following applies:

(a) The document contains an inaccuracy.

(b) The document contains false, misleading, or fraudulent information.

(c) ~~(b)~~ The document was defectively executed, attested, sealed, verified, or acknowledged. ~~+~~ ~~or~~

(d) ~~(e)~~ The electronic transmission of the document was defective.

(4) Articles of correction filed to correct false, misleading, or fraudulent information are not subject to any Department of State fee if the articles of correction are delivered to the Department of State within 15 days after the notification of filing sent pursuant to s. 607.0125(2).

Section 4. Subsection (2) of section 607.0125, Florida Statutes, is amended to read:

607.0125 Filing duties of Department of State.—

(2) The Department of State files a document by recording it as filed on the date of receipt. After filing a document, the Department of State shall send a notice of the filing to the e-mail address on file for the entity or its representative or a deliver an acknowledgment or certified copy of the document to the mailing address such entity or the domestic or foreign corporation or its representative. If the record changes the entity's e-mail address, the Department of State must send such notice to the new e-mail address and to the most recent prior e-mail address. If the record changes the entity's mailing address, the Department of State must send such notice to the new mailing address and to the most recent prior mailing address.



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Section 5. Subsection (1) of section 617.0124, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

617.0124 Correcting filed document.—

(1) A domestic or foreign corporation may correct a document filed by the department within 30 days after filing if any of the following applies:

(a) The document contains an incorrect statement. ~~+~~

(b) The document contains false, misleading, or fraudulent information.

(c) ~~(b)~~ The document was defectively executed, attested, sealed, verified, or acknowledged. ~~+~~ ~~or~~

(d) ~~(e)~~ The electronic transmission of the document was defective.

(4) Articles of correction filed to correct false, misleading, or fraudulent information are not subject to a department fee if the articles of correction are delivered to the department within 15 days after the notification of filing sent pursuant to s. 617.0125(2).

Section 6. Section 617.0125, Florida Statutes, is amended to read:

617.0125 Filing duties of the department ~~Department of State.~~

(1) If a document delivered to the department ~~Department of State~~ for filing satisfies the requirements of s. 617.01201, the department ~~Department of State~~ shall file it.

(2) The department ~~of State~~ files a document by stamping or otherwise endorsing "filed," together with the Secretary of State's official title and the date and time of receipt. After



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filing a document, the department ~~of State~~ shall send a notice ~~deliver the acknowledgment of the filing to the e-mail address on file for the domestic or foreign corporation or its representative or send a certified copy of the document to the mailing address of such the domestic or foreign corporation or its representative.~~ If the record changes the domestic or foreign corporation's e-mail address, the department must send such notice to the new e-mail address and to the most recent prior e-mail address. If the record changes the domestic or foreign corporation's mailing address, the department must send such notice to new the mailing address and to the most recent prior mailing address.

(3) If the department ~~of State~~ refuses to file a document, it shall return it to the domestic or foreign corporation or its representative within 15 days after the document was received for filing, together with a brief, written explanation of the reason for refusal.

(4) The ~~department's Department of State's~~ duty to file documents under this section is ministerial. The filing or refusing to file a document does not:

(a) Affect the validity or invalidity of the document in whole or part;

(b) Relate to the correctness or incorrectness of information contained in the document; or

(c) Create a presumption that the document is valid or invalid or that information contained in the document is correct or incorrect.

(5) If not otherwise provided by law and the provisions of this act, the department ~~of State~~ shall determine, by rule, the



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appropriate format for, number of copies of, manner of execution of, method of electronic transmission of, and amount of and method of payment of fees for, any document placed under its jurisdiction.

Section 7. Present subsections (2) and (3) of section 620.1206, Florida Statutes, are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section, to read:

620.1206 Delivery to and filing of records by Department of State; effective time and date; notice.—

(1) A record authorized or required to be delivered to the Department of State for filing under this act must be captioned to describe the record's purpose, be in a medium permitted by the Department of State, and be delivered to the Department of State. Unless the Department of State determines that a record does not comply with the filing requirements of this act, and if all filing fees have been paid, the Department of State shall file the record.

(2) After filing a record, the Department of State shall send a notice to the email address on file for the limited partnership or foreign limited partnership or the registered agent of such partnership or send a copy of the document to the mailing address of such partnership or registered agent. If the record changes the limited partnership's or foreign limited partnership's e-mail address, the Department of State must send such notice to the new e-mail address and to the most recent prior e-mail address. If the record changes the limited partnership or foreign limited partnership's mailing address, the Department of State must send such notice to the new mailing



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230 address and to the most recent prior mailing address.

231 Section 8. Subsection (1) of section 620.1207, Florida
232 Statutes, is amended, and subsection (4) is added to that
233 section, to read:

234 620.1207 Correcting filed record.—

235 (1) A limited partnership or foreign limited partnership
236 may deliver to the Department of State for filing a statement of
237 correction to correct a record previously delivered by the
238 limited partnership or foreign limited partnership to the
239 Department of State and filed by the Department of State, if at
240 the time of filing the record contained false, misleading,
241 fraudulent, or erroneous information or was defectively signed.

242 (4) A statement of correction filed under subsection (1) to
243 correct a record that contains false, misleading, or fraudulent
244 information is not subject to any Department of State fee if
245 delivered to the Department of State within 15 days after the
246 notification of filing sent pursuant to s. 620.1206.

247 Section 9. Subsection (11) is added to section 620.8105,
248 Florida Statutes, to read:

249 620.8105 Execution, filing, and recording of partnership
250 registration and other statements.—

251 (11) After filing a document, the Department of State shall
252 send a notice of the filing to all e-mail address on file for
253 the partnership or limited liability partnership, or the agent
254 of such partnership, or send a copy of the document to the
255 mailing address of such partnership or agent. If the record
256 changes the partnership's or limited liability partnership's e-
257 mail address, the Department of State must send such notice to
258 the new e-mail address and to the most recent prior e-mail



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259 address. If the record changes the partnership or limited
260 liability partnership's mailing address, the Department of State
261 must send such notice to the new mailing address in and to the
262 most recent mailing address.

263 Section 10. Section 620.81054, Florida Statutes, is created
264 to read:

265 620.81054 Correcting a filed record.—

266 (1) A partnership or limited liability partnership may
267 correct a document filed by the Department of State within 30
268 days after filing if any of the following applies:

269 (a) The document contains an inaccuracy.

270 (b) The document contains false, misleading, or fraudulent
271 information.

272 (c) The document was defectively executed, attested,
273 sealed, verified, or acknowledged.

274 (d) The electronic transmission of the document was
275 defective.

276 (2) A document must be corrected by doing both of the
277 following:

278 (a) Preparing articles of correction that describe the
279 document, including its filing date; specify the inaccuracy or
280 defect to be corrected; and correct the inaccuracy or defect.

281 (b) Delivering the articles of correction to the Department
282 of State for filing, executed in accordance with s. 620.8105.

283 (3) Articles of correction are effective as of the
284 effective date of the document they correct except as to persons
285 relying on the uncorrected document who are adversely affected
286 by the correction. As to those persons, articles of correction
287 are effective when filed.



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288 (4) Articles of correction filed to correct false,
289 misleading, or fraudulent information are not subject to any
290 Department of State fee if delivered to the Department of State
291 within 15 days after the notification of filing sent pursuant to
292 s. 620.8105.

293 Section 11. Subsection (3) of section 620.1201, Florida
294 Statutes, is amended to read:

295 620.1201 Formation of limited partnership; certificate of
296 limited partnership.—

297 (3) If there has been substantial compliance with
298 subsection (1), then subject to s. 620.1206(4) ~~s. 620.1206(3)~~, a
299 limited partnership is formed when the Department of State files
300 the certificate of limited partnership.

301 Section 12. Subsections (5) and (8) of section 620.1202,
302 Florida Statutes, are amended to read:

303 620.1202 Amendment or restatement of certificate.—

304 (5) Subject to s. 620.1206(4) ~~s. 620.1206(3)~~, an amendment
305 or restated certificate is effective when filed by the
306 Department of State.

307 (8) A restated certificate of limited partnership shall
308 state, either in its heading or in an introductory paragraph,
309 the limited partnership's present name, and, if it has been
310 changed, the name under which it was originally filed; the date
311 of filing of its original certificate of limited partnership
312 with the Department of State; and, subject to s. 620.1206(4) ~~s.~~
313 ~~620.1206(3)~~, the delayed effective date or time, which shall be
314 a date or time certain, of the restated certificate if it is not
315 to be effective upon the filing of the restated certificate. A
316 restated certificate shall also state that it was duly executed



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317 and is being filed in accordance with this section. If the
318 restated certificate only restates and integrates and does not
319 further amend the limited partnership's certificate of limited
320 partnership as theretofore amended or supplemented and there is
321 no discrepancy between those provisions and the restated
322 certificate, it shall state that fact as well.

323 Section 13. Subsection (2) of section 620.1203, Florida
324 Statutes, is amended to read:

325 620.1203 Certificate of dissolution; statement of
326 termination.—

327 (2) If there has been substantial compliance with
328 subsection (1), then subject to s. 620.1206(4) ~~s. 620.1206(3)~~
329 the dissolution of the limited partnership shall be effective
330 when the Department of State files the certificate of
331 dissolution.

332 Section 14. Subsection (4) of section 620.1812, Florida
333 Statutes, is amended to read:

334 620.1812 Revocation of dissolution.—

335 (4) If there has been substantial compliance with
336 subsection (3), subject to s. 620.1206(4) ~~s. 620.1206(3)~~ the
337 revocation of dissolution is effective when the Department of
338 State files the certificate of revocation of dissolution.

339 Section 15. Subsection (4) of section 620.2108, Florida
340 Statutes, is amended to read:

341 620.2108 Filings required for merger; effective date.—

342 (4) A merger becomes effective under this act:

343 (a) If the surviving organization is a limited partnership,
344 upon the later of:

345 1. Compliance with subsection (3); or



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346 2. Subject to s. 620.1206(4) ~~s. 620.1206(3)~~, as specified
347 in the certificate of merger; or

348 (b) If the surviving organization is not a limited
349 partnership, as provided by the governing law of the surviving
350 organization.

351 Section 16. This act shall take effect July 1, 2018.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 610

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); and Senator Young

SUBJECT: Business Filings

DATE: January 22, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Wells/Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Fav/CS
3.	<u>Wells/Hrdlicka</u>	<u>Hansen</u>	<u>AP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 610 makes two changes to the statutes regarding limited liability corporations, business corporations, not-for profit corporations, and limited partnerships.

The bill requires the Department of State (department) to notify an entity or its authorized representative of the filing of a record either by email address or mailing address. If the filing changes the email address, the department must send the notification to the new email address and the most recent prior email address. If the filing changes the mailing address, the department must send the notification to the new mailing address and to the most recent prior mailing address.

The bill authorizes an entity to correct a business filing within 30 days after the filing if the record contains false, misleading, or fraudulent information. The fees will be waived if a statement of correction is delivered to the department within 15 days of the entity being notified of the filing.

The department will incur costs to implement the requirements of this bill. However, the amount of costs are unknown at this time because the department has not provided such information.

The bill takes effect July 1, 2018.

II. Present Situation:

The Florida Department of State

The Florida Department of State (department) consists of six divisions: the Division of Elections; Division of Historical Resources; Division of Library and Information Services; Division of Cultural Affairs; Division of Administration; and Division of Corporations.¹

The Division of Corporations (division) maintains a registry for recording and retrieving commercial information that is filed or registered with the department.² In total, the division maintains more than eight million records, including a variety of business entity filings such as articles of incorporation or other forms of business entity organization, annual reports, trade and service mark registrations, judgment lien filings, and fictitious name registrations.³ The division determines whether submitted filings and forms meet the pertinent statutory requirements and then records and indexes those filings in its database of records.⁴ This database is publicly available, as are all documents filed with the department.⁵ As of November 1, 2017, the division began sending e-mail notifications to business entities upon its receipt and filing of certain types of business entity filings.^{6,7}

Business Identity Theft

Business identity theft is the impersonation of a business, or one of its owners, employees, or officers, with the intent to defraud or to make illicit gain to the detriment of the business.⁸ One common business identity theft scheme is to make fraudulent filings with the department of State that change the address of the business or name of its officers.⁹ This allows the identity thieves to open new lines of credit in the business' name without its knowledge because information is mailed to the thieves' name and address rather than to the business.

Several states provide informational resources or heightened monitoring to help prevent business identity theft:

¹ Section 20.10, F.S.

² See ss. 55.201 and 606.04, F.S. See also www.sunbiz.org, (last visited Nov. 20, 2017) the division's official website that serves as the state's official business index.

³ Florida Auditor General, *Operational Audit: Department of State, Division of Corporations, Museum of Florida History, and Selected Administrative Activities*, Report No. 2017-195, p. 2, (Mar. 2017), available at https://flauditor.gov/pages/pdf_files/2017-195.pdf (last visited Nov. 16, 2017). See also Florida Department of State, *Long Range Program Plan FY 2018-19 through FY 2022-23*, pp. 13-14, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=17110&DocType=PDF> (last visited Nov. 19, 2017).

⁴ *Id.* See also, e.g. ss. 605.0210(5), 607.0125(4), and 617.0125(4) F.S.

⁵ See Florida Department of State, *Corporation Records Search Guide*, available at <http://dos.myflorida.com/sunbiz/search/guides/corporation-records/> (last visited Nov. 16, 2017).

⁶ Florida Department of State, *SB 610 Agency Analysis*, p. 2 (Nov. 13, 2017) (on file with the Senate Committee on Commerce and Tourism).

⁷ Currently, the department is required to deliver an acknowledgement or certified copy of any filed document to a limited liability company or corporation or the authorized representative by mail. Sections 605.0210(2), 607.0125(2), and 617.0125(2), F.S.

⁸ BusinessIDTheft.org, *What is Business Identity Theft?*, <http://www.businessidtheft.org/Education/WhyBusinessIDTheft/tabid/85/Default.aspx> (last visited Nov. 16, 2017).

⁹ Experian Decision Analytics, *Identifying Small-Business Fraud*, p. 5 (2009) available at <https://www.experian.com/whitepapers/Identifying-Small-Business-Fraud.pdf> (last visited Nov. 16, 2017).

- Maine has a monitoring program that emails an enrolled business each time a filing is made under its name;¹⁰
- Nevada’s Secretary of State may investigate fraudulent business filings and administratively prosecute those who fraudulently file such documents;¹¹
- Colorado provides a secure business filing portal, which requires a password to file business documents;¹² and
- California’s Secretary of State provides a resource guide for businesses.¹³

A business may also protect itself from identity theft by monitoring its credit profile through one of the national credit bureaus and by periodically reviewing its business filings on the appropriate state portal.

In Florida, cases of business identity theft can be prosecuted under s. 817.568, F.S. Identity theft is punishable by a third degree felony up to a first degree felony, depending on the presence of aggravating circumstances, including the number of victims harmed and the pecuniary value amassed by the perpetrator.¹⁴

III. Effect of Proposed Changes:

The bill makes two changes to the statutes regarding limited liability corporations, business corporations, not-for profit corporations, and limited partnerships.

The bill requires the department to notify an entity or its authorized representative of the filing of a record either by email address or by sending a copy of the document to the entity’s or representative’s mailing address. If the filing changes the email address, the department must send the notification to the new email address and the most recent prior email address. If the filing changes the mailing address, the department must send the notification to the new mailing address and to the most recent prior mailing address. Further, for limited liability corporations, corporations, and not-for-profit corporations, the department will no longer be required to send a certified copy of the document to the entity or its representative. (Section 2, amending s. 605.0210, F.S.; Section 4, amending s. 607.0125, F.S.; Section 6, amending s. 617.0125, F.S.; Section 7, amending s. 620.1206, F.S.; and Section 9, amending s. 620.8105, F.S.).

The bill authorizes an entity to correct a business filing within 30 days after the filing if the record contains false, misleading, or fraudulent information. The fees will be waived if a statement of correction is delivered to the department within 15 days of the entity being notified

¹⁰ Maine Bureau of Corporations, *Corporate Fraud Monitoring*, <https://www1.maine.gov/online/sos/cfm/> (last visited Nov. 16, 2017). This program costs enrollees \$35 per year.

¹¹ Nev. Rev. Stat. s. 225.084. *See also*, Nevada Secretary of State, *Forged or Fraudulent Filing Complaints*, <http://nvsos.gov/sos/businesses/forged-or-fraudulent-filing-complaints> (last visited Nov. 16, 2017). The Secretary of State’s investigation may only be initiated based on an affected business’ complaint.

¹² Colorado Secretary of State, *Business Identity Theft Resource Guide*, <https://www.sos.state.co.us/pubs/business/ProtectYourBusiness/BITresourceguide.html> (last visited Nov. 7, 2017).

¹³ California Secretary of State, *Business Identity Theft Resources*, <http://www.sos.ca.gov/business-programs/customer-alerts/alert-business-identity-theft/> (last visited Nov. 16, 2017).

¹⁴ A third degree felony is punishable by up to 5 years imprisonment and up to a \$5,000 fine; a second degree felony is punishable by up to 15 years imprisonment and up to a \$10,000 fine; a first degree felony is punishable by up to 30 years imprisonment and up to a \$10,000 fine. Sections 775.082 and 775.083, F.S.

of the filing. (Section 1, amending s. 605.0209, F.S.; Section 3, amending s. 607.0124, F.S.; Section 5, amending s. 617.0124, F.S.; Section 8, amending s. 620.1207, F.S.; and Section 10, creating s. 620.81054, F.S.).

Sections 11, 12, 13, 14, and 15 make conforming changes to ss. 620.1201, 620.1202, 620.1203, 620.1812, and 620.2108, F.S.

Section 16 provides the bill is effective July 1, 2018.

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:

Private businesses may see better protection from business identity theft and the economic losses associated with it.

C. Government Sector Impact:

The department has indicated that modifications to its current information system will be needed to implement the requirements of this bill. A fiscal analysis of the costs for, and the time needed to implement, such modifications have not been provided by the department. The department may have some cost savings due to the elimination of the requirement to send a certified copy of filed documents to the entity or its representative.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 605.0209, 605.0210, 607.0124, 607.0125, 617.0124, 617.0125, 620.1206, 620.1207, 620.8105, 620.1201, 620.1202, 620.1203, 620.1812, and 620.2108.

The bill creates section 620.81054 of the Florida Statutes.

IX. Additional Information:

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

CS by Appropriations on January 18, 2018:

The committee substitute removes the new requirement of the department to develop and offer a business filing monitoring service, and instead:

- Requires the department, upon receipt of a record, to send a notice to the entity's or authorized representative's email address on file with the department. The CS creates specific requirements if the filing changes the email address or mailing address of the entity, and eliminates the requirement to send certified copies of documents to the entity or its representative.
- Authorizes an entity to correct a filed record if it contains false, misleading, or fraudulent information. The correction is not subject to any department fees if the correction is delivered to the department within 15 days of notification of the filing to the entity.

- B. **Amendments:**

None.

By Senator Young

18-00752-18

2018610__

1 A bill to be entitled
 2 An act relating to business filings; amending ss.
 3 605.0210 and 607.0125, F.S.; requiring that the
 4 Department of State develop and offer an optional
 5 secure business filing service designed to discourage
 6 fraudulent filings; requiring that the service notify
 7 an entity via e-mail whenever a document relating to
 8 the entity is delivered for filing; requiring that the
 9 entity have the opportunity to review the file;
 10 requiring the department to give the entity an
 11 opportunity to reject further processing of the
 12 filing; authorizing the department to keep any fees
 13 associated with a rejected filing; requiring that the
 14 department file the document within 15 days after
 15 receipt if the entity does not reject further
 16 processing; providing an exception; requiring the
 17 department to deliver a notification of the filing
 18 through e-mail or deliver a certified copy of the
 19 document to the mailing address and physical address
 20 of the entity or its authorized representative;
 21 amending s. 617.0125, F.S.; requiring that the
 22 department develop and offer an optional secure
 23 business filing service designed to discourage
 24 fraudulent filings; requiring that the service notify
 25 a corporation via e-mail whenever a document relating
 26 to the corporation is delivered for filing; requiring
 27 that the corporation have the opportunity to review
 28 the file; requiring the department to give the
 29 corporation an opportunity to reject further

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30 processing of the filing; authorizing the department
 31 to keep any fees associated with a rejected filing;
 32 requiring that the department file the document within
 33 15 days after receipt if the corporation does not
 34 reject further processing; providing exceptions;
 35 requiring the department to deliver a notification of
 36 the filing through e-mail or deliver a certified copy
 37 of the document to the mailing address and physical
 38 address of the corporation or its representative;
 39 amending s. 620.8105, F.S.; requiring that the
 40 department develop and offer an optional secure
 41 business filing service designed to discourage
 42 fraudulent filings; requiring that the service notify
 43 a partnership whenever a document relating to the
 44 partnership is delivered for filing; requiring that
 45 the partnership have the opportunity to review the
 46 file; requiring the department to give the partnership
 47 an opportunity to reject further processing of the
 48 filing; authorizing the department to keep any fees
 49 associated with a rejected filing; requiring that the
 50 department file the document within 15 days after
 51 receipt if the partnership does not reject further
 52 processing; requiring the department to deliver a
 53 notification of the filing through e-mail or deliver a
 54 certified copy of the document to the mailing address
 55 and physical address of the partnership or its agent;
 56 amending s. 605.0206, F.S.; conforming provisions;
 57 amending ss. 605.0103, 605.0123, 617.0123, 620.8303,
 58 620.8304, 620.8704, 620.8914, 620.8918, 620.9001, and

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620.9102, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Present subsections (1) through (8) of section 605.0210, Florida Statutes, are redesignated as subsections (2) through (9), respectively, a new subsection (1) is added to that section, and present subsection (2) of that section is amended, to read:

605.0210 Duty of department to file; review of refusal to file; transmission of information by department.—

(1) By December 31, 2018, the department shall develop and offer an optional secure business filing service designed to discourage fraudulent business filings. The service must notify an entity via e-mail whenever a document relating to that entity is delivered for filing. The entity must have the opportunity to review the filing and reject further processing of the filing by the department. If an entity rejects further processing of the filing, the department may keep any fees associated with the rejected filing. The document must be filed within 15 days after receipt if the entity does not reject further processing.

(3)(2) After filing a record, the department shall deliver a notification an acknowledgment of the filing to all e-mail addresses on file for, or a certified copy of the document to the mailing address and the physical address of, the entity the company or foreign limited liability company or its authorized representative.

Section 2. Present subsections (1) through (5) of section

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607.0125, Florida Statutes, are redesignated as subsections (2) through (6), respectively, a new subsection (1) is added to that section, and present subsections (1) and (2) are amended, to read:

607.0125 Filing duties of Department of State.—

(1) By December 31, 2018, the Department of State shall develop and offer an optional secure business filing service designed to discourage fraudulent business filings. The service must notify an entity via e-mail whenever a document relating to the entity is delivered for filing. The entity must have the opportunity to review the filing and reject further processing by the Department of State. If an entity rejects further processing of the filing, the Department of State may keep any fees associated with the rejected filing. The document must be filed within 15 days after receipt if the entity does not reject further processing.

(2)(1) Except as provided in subsection (1), if a document delivered to the Department of State for filing satisfies the requirements of s. 607.0120, the Department of State shall file it.

(3)(2) The Department of State files a document by recording it as filed on the date of receipt. After filing a document, the Department of State shall deliver an notification of the filing to all e-mail addresses on file for, acknowledgment or a certified copy to the mailing address and the physical address of, the entity the domestic or foreign corporation or its representative.

Section 3. Section 617.0125, Florida Statutes, is amended to read:

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617.0125 Filing duties of Department of State.—

(1) By December 31, 2018, the department shall develop and offer an optional secure business filing service designed to discourage fraudulent business filings. The service must notify a corporation via e-mail whenever a document relating to the corporation is delivered for filing. The corporation must have the opportunity to review the filing and reject further processing by the department. If a corporation rejects further processing, the department may keep any fees associated with the rejected filing. The document must be filed within 15 days after receipt if the entity does not reject further processing.

(2)(1) Except as provided in subsection (1), if a document delivered to the department of State for filing satisfies the requirements of s. 617.01201, the department of State shall file it.

(3)(2) The department of State files a document by stamping or otherwise endorsing "filed," together with the Secretary of State's official title and the date and time of receipt. After filing a document, the department of State shall deliver a notification of the filing to all e-mail addresses on file for, the acknowledgment of filing or a certified copy to the mailing address and the physical address of, the domestic or foreign corporation or its representative.

(4)(3) If the department of State refuses to file a document, it shall return it to the domestic or foreign corporation or its representative within 15 days after the document was received for filing, together with a brief, written explanation of the reason for refusal.

(5)(4) The department's of State's duty to file documents

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under this section is ministerial. The filing or refusing to file a document does not:

(a) Affect the validity or invalidity of the document in whole or part;

(b) Relate to the correctness or incorrectness of information contained in the document; or

(c) Create a presumption that the document is valid or invalid or that information contained in the document is correct or incorrect.

(6)(5) If not otherwise provided by law and the provisions of this act, the department of State shall determine, by rule, the appropriate format for, number of copies of, manner of execution of, method of electronic transmission of, and amount of and method of payment of fees for, any document placed under its jurisdiction.

Section 4. Present subsections (1) through (10) of section 620.8105, Florida Statutes, are redesignated as subsections (2) through (11), respectively, a new subsection (1) is added to that section, present subsections (2), (3), and (4) are amended, and subsection (12) is added to that section, to read:

620.8105 Execution, filing, and recording of partnership registration and other statements.—

(1) By December 31, 2018, the Department of State shall develop and offer an optional secure business filing service designed to discourage fraudulent business filings. The service must notify a partnership via e-mail whenever a document relating to the partnership is delivered for filing. The partnership must have the opportunity to review the filing and reject further processing by the Department of State. If a

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partnership rejects further processing, the Department of State may keep any fees associated with the rejected filing. The document must be filed within 15 days after receipt if the entity does not reject further processing.

~~(3)(2)~~ The Department of State shall file a partnership registration statement under subsection (2) ~~(1)~~ without regard to the use of the same or a similar name by another partnership registered or other entity organized or qualified in this state. The use of a partnership name in a registration statement filed with the Department of State is for the purpose of public notice only and does not create a presumption of ownership of the name used beyond that acquired under the common law.

(4)(3) Each partner of a registered partnership, and any agent named pursuant to subparagraph (2)(c)2. ~~(1)(e)2.~~ that is a legal or other commercial entity, and not an individual, must:

(a) Be organized or otherwise registered with the Department of State as required by law.

(b) Maintain an active status with the Department of State.

(c) Not be dissolved, revoked, canceled, or withdrawn.

(5)(4) Except as provided in s. 620.8304 or s. 620.8704, a statement or a certificate of conversion or certificate of merger may be filed with the Department of State only if the partnership has filed a registration statement pursuant to subsection (2) ~~(1)~~. If otherwise sufficient, a certified copy of a statement that is filed in a jurisdiction other than this state may be filed with the Department of State in lieu of an original statement. Any such filing has the effect provided in this act with respect to partnership property located in, or transactions that occur in, this state.

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(12) After filing a document, the Department of State shall deliver an electronic notification of the filing to all e-mail addresses on file for, or a certified copy to the mailing address and the physical address of, the partnership or its agent.

Section 5. Subsection (1) of section 605.0206, Florida Statutes, is amended to read:

605.0206 Filing requirements.—

(1) A record authorized or required to be delivered to the department for filing under this chapter must be captioned to describe the record's purpose, be in a medium authorized by the department, and be delivered to the department. If all filing fees are paid, the department shall file the record unless the department determines that the record does not comply with the filing requirements or an entity rejects further processing under s. 605.0210.

Section 6. Subsection (3) of section 605.0103, Florida Statutes, is amended to read:

605.0103 Knowledge; notice.—

(3) Subject to s. 605.0210(9) ~~s. 605.0210(8)~~, a person notifies another person of a fact by taking steps reasonably required to inform the other person in the ordinary course of events, regardless of whether those steps actually cause the other person to know of the fact.

Section 7. Subsection (3) of section 607.0123, Florida Statutes, is amended to read:

607.0123 Effective time and date of document.—

(3) If a document is determined by the Department of State to be incomplete and inappropriate for filing, the Department of

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State may return the document to the person or corporation filing it, together with a brief written explanation of the reason for the refusal to file, in accordance with s. 607.0125(4) ~~s. 607.0125(3)~~. If the applicant returns the document with corrections in accordance with the rules of the department within 60 days after it was mailed to the applicant by the department and if at the time of return the applicant so requests in writing, the filing date of the document will be the filing date that would have been applied had the original document not been deficient, except as to persons who relied on the record before correction and were adversely affected thereby.

Section 8. Subsection (3) of section 617.0123, Florida Statutes, is amended to read:

617.0123 Effective date of document.—

(3) If a document is determined by the department ~~of State~~ to be incomplete and inappropriate for filing, the Department of State may return the document to the person or corporation filing it, together with a brief written explanation of the reason for the refusal to file, in accordance with s. 617.0125(4) ~~s. 617.0125(3)~~. If the applicant returns the document with corrections in accordance with the rules of the department within 60 days after it was mailed to the applicant by the department, and if at the time of return the applicant so requests in writing, the filing date of the document will be the filing date that would have been applied had the original document not been deficient, except as to persons who relied on the record before correction and were adversely affected thereby.

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Section 9. Subsection (2) of section 620.8303, Florida Statutes, is amended to read:

620.8303 Statement of partnership authority.—

(2) If a filed statement of partnership authority is executed pursuant to s. 620.8105(7) ~~s. 620.8105(6)~~ and states the name of the partnership but does not contain all of the other information required by subsection (1), the statement nevertheless operates with respect to a person not a partner as provided in subsections (3) and (4).

Section 10. Subsections (1) and (2) of section 620.8304, Florida Statutes, are amended to read:

620.8304 Statement of denial.—

(1) A partner or other person named as a partner in a filed registration, statement of partnership authority, or in a list maintained by an agent pursuant to s. 620.8105(2)(c) ~~s. 620.8105(1)(c)~~ may file a statement of denial stating:

(a) The name of the partnership, as identified in the records of the Department of State; and

(b) The fact that is being denied, which may include denial of a person's authority or status as a partner.

(2) A statement of denial may be filed without regard to the provisions of s. 620.8105(5) ~~s. 620.8105(4)~~ if it states that no partnership registration statement has been filed with the Department of State.

Section 11. Subsection (2) of section 620.8704, Florida Statutes, is amended to read:

620.8704 Statement of dissociation.—

(2) A statement of dissociation may be filed without regard to the provisions of s. 620.8105(5) ~~s. 620.8105(4)~~ if it states

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291 that no partnership registration statement has been filed with
 292 the Department of State.

293 Section 12. Section 620.8914, Florida Statutes, is amended
 294 to read:

295 620.8914 Filings required for conversion; effective date.—

296 (1) After a plan of conversion is approved:

297 (b) In the case of a converting organization converting
 298 into a partnership to be governed by this act, the converting
 299 organization shall deliver to the Department of State for
 300 filing:

301 1. A registration statement in accordance with s. 620.8105.
 302 2. A certificate of conversion, in accordance with s.
 303 620.8105, signed by a general partner of the partnership in
 304 accordance with s. 620.8105(7) ~~s. 620.8105(6)~~ and by the
 305 converting organization as required by applicable law, which
 306 certificate of conversion must include:

307 a. A statement that the partnership was converted from
 308 another organization.

309 b. The name and form of the converting organization and the
 310 jurisdiction of its governing law.

311 c. A statement that the conversion was approved as required
 312 by this act.

313 d. A statement that the conversion was approved in a manner
 314 that complied with the converting organization's governing law.

315 e. The effective time of the conversion, if other than the
 316 time of the filing of the certificate of conversion.

317

318 A converting domestic partnership is not required to file a
 319 certificate of conversion pursuant to paragraph (a) if the

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320 converting domestic partnership files articles of conversion or
 321 a certificate of conversion that substantially complies with the
 322 requirements of this section pursuant to s. 605.1045, s.
 323 607.1115, or s. 620.2104(1)(b) and contains the signatures
 324 required by this chapter. In such a case, the other certificate
 325 of conversion may also be used for purposes of s. 620.8915(4).

326 (2) A conversion becomes effective:

327 (a) If the converted organization is a partnership, at the
 328 time specified in the certificate of conversion, which may be as
 329 of or after the time of the filing of the certificate of
 330 conversion, and, if the certificate of conversion does not
 331 contain such an effective time, the effective time shall be upon
 332 the filing of the certificate of conversion with the Department
 333 of State. However, if the certificate has a delayed effective
 334 date, the certificate may not be effective any later than the
 335 90th day after the date it was filed and the effective date may
 336 not be any earlier than the effective date of the registration
 337 statement filed with the Department of State for the partnership
 338 in accordance with s. 620.8105.

339 (b) If the converted organization is not a partnership, as
 340 provided by the governing law of the converted organization.

341

342 A certificate of conversion acts as a cancellation of any
 343 registration statement for a converting partnership for purposes
 344 of s. 620.8105, and the cancellation shall be deemed filed upon
 345 the effective date of the conversion.

346 Section 13. Subsection (3) of section 620.8918, Florida
 347 Statutes, is amended to read:

348 620.8918 Filings required for merger; effective date.—

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349 (3) Each domestic constituent partnership shall deliver the
 350 certificate of merger for filing with the Department of State,
 351 unless the domestic constituent partnership is named as a party
 352 or constituent organization in articles of merger or a
 353 certificate of merger filed for the same merger in accordance
 354 with s. 605.1025, s. 607.1109(1), s. 617.1108, or s.
 355 620.2108(3). The articles of merger or certificate of merger
 356 must substantially comply with the requirements of this section.
 357 In such a case, the other articles of merger or certificate of
 358 merger may also be used for purposes of s. 620.8919(3). Each
 359 domestic constituent partnership in the merger shall also file a
 360 registration statement in accordance with s. 620.8105(2) ~~s.~~
 361 ~~620.8105(1)~~ if it does not have a currently effective
 362 registration statement filed with the Department of State.

363 Section 14. Subsection (4) of section 620.9001, Florida
 364 Statutes, is amended to read:

365 620.9001 Statement of qualification.—

366 (4) The status of a partnership as a limited liability
 367 partnership is effective on the later of the filing of the
 368 statement or a date specified in the statement. The status
 369 remains effective, regardless of changes in the partnership,
 370 until it is canceled pursuant to s. 620.8105(8) ~~s. 620.8105(7)~~
 371 or revoked pursuant to s. 620.9003.

372 Section 15. Subsection (2) of section 620.9102, Florida
 373 Statutes, is amended to read:

374 620.9102 Statement of foreign qualification.—

375 (2) The status of a partnership as a foreign limited
 376 liability partnership is effective on the later of the filing of
 377 the statement of foreign qualification or a date specified in

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378 the statement. The status remains effective, regardless of
 379 changes in the partnership, until it is canceled pursuant to s.
 380 620.8105(8) ~~s. 620.8105(7)~~ or revoked pursuant to s. 620.9003.

381 Section 16. This act shall take effect July 1, 2018.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Appropriations Subcommittee on Pre-K - 12
Education, *Vice Chair*
Commerce and Tourism
Communications, Energy, and Public Utilities
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DANA YOUNG

18th District

December 11, 2017

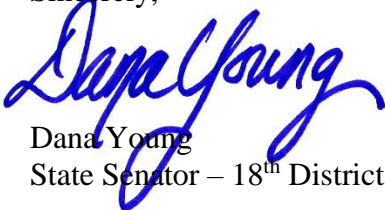
Senator Rob Bradley, Chair
Appropriations Committee
201 The Capitol
404 S. Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Bradley,

My Senate Bill 610 relating to Business Filings has been referred to your committee for a hearing. I respectfully request that this bill be placed on your next available agenda.

Should you have any questions, please do not hesitate to reach out to me.

Sincerely,



Dana Young
State Senator – 18th District

cc: Mike Hansen, Staff Director – Appropriations Committee

REPLY TO:

- ☐ 1211 N. Westshore Blvd, Suite 409, Tampa, Florida 33607 (813) 281-5507
- ☐ 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/18

Meeting Date

W10

Bill Number (if applicable)

Topic Business Filings

Amendment Barcode (if applicable)

Name Cawdyn Johnson

Job Title Policy Director

Address 130 S Bronough St
Street

Phone 521-1200

Tallahassee FL 32301
City State Zip

Email cjohnson@flchamber.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL Chamber of Commerce

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)

1/18/18

Meeting Date

610

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Tim Nungesser

Job Title Legislative Director

Address 110 East Jefferson Street

Phone 850-445-5367

Street

Tallahassee

FL

32301

Email tim.nungesser@nfib.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing National Federation of Independent Business

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

1-18-18
Meeting Date

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

610
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Lance LOZANO

Job Title Chief Operating Officer

Address 116 S. Monroe St.

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-681-6265

Email llozano@fubar.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida United Businesses Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



Everglades Agricultural Area Storage Reservoir Progress Report on SFWMD Implementation of Senate Bill 10

Florida Senate Appropriations Committee

Ernie Marks
Executive Director, South Florida Water Management District
Jan. 18, 2018

SFWMD Approach is Consistent with State Law and CERP

- Senate Bill 10 project goals and objectives for the Everglades Agricultural Area (EAA) Storage Reservoir project were paired with the restoration goals identified in the Comprehensive Everglades Restoration Plan (CERP).
- The EAA Storage Reservoir is one of many CERP storage components (LOWRP, IRL-South/C-44, C-43).
- Benefits to the northern estuaries identified in CERP included an 80 percent reduction in harmful discharges to the estuaries.
- Benefits to Greater Everglades identified in CERP included an annual average increase of approximately 98 billion gallons (300,000 acre-feet) of water to the Everglades.



EAA Storage Reservoir: Project Goals and Objectives

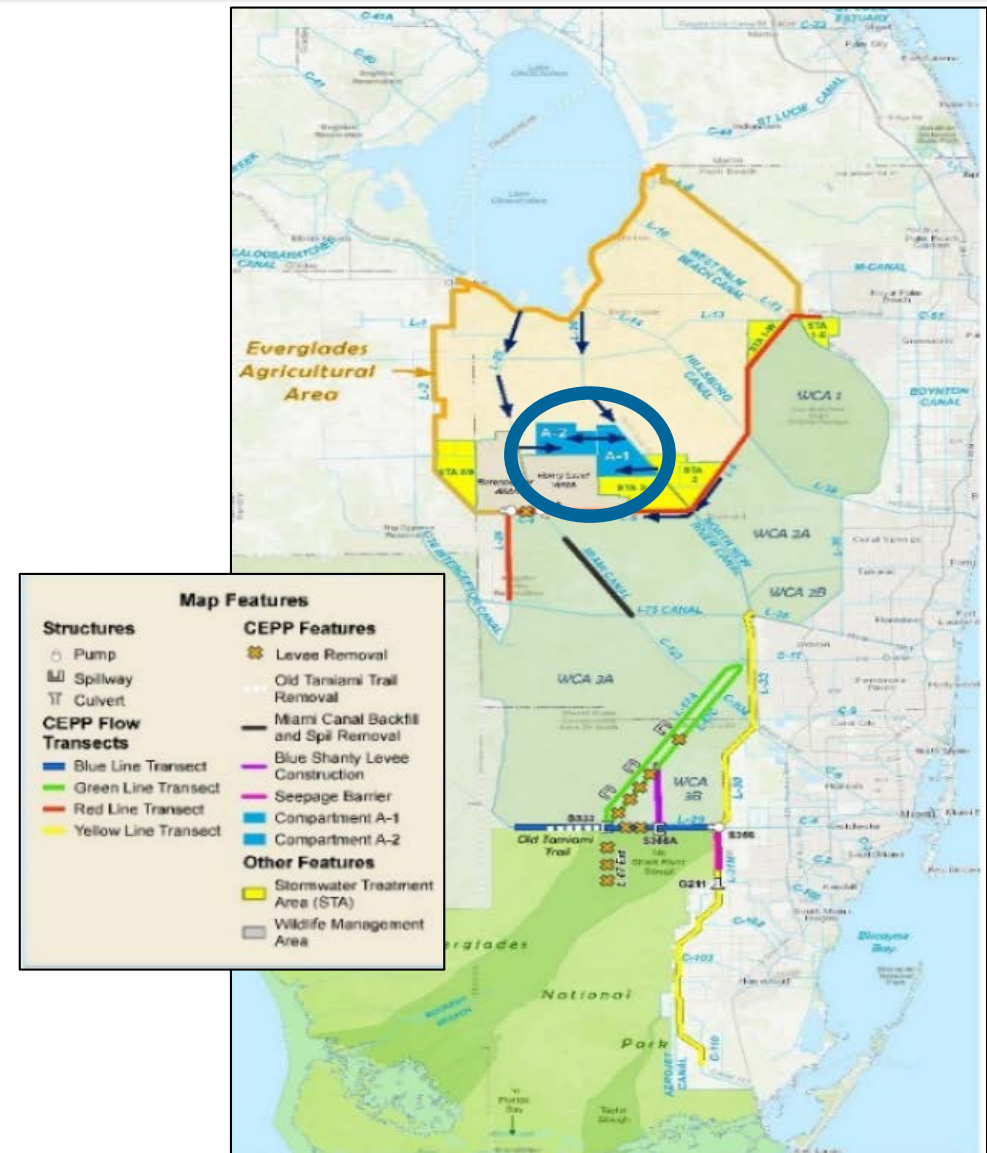
➤ With the direction provided by state law, while aiming to achieve the goals of CERP and leading the collaboration in the public scoping process, the South Florida Water Management District (SFWMD) identified the goals and objectives of the EAA Storage Reservoir project:



- Reducing high-volume damaging freshwater discharges from Lake Okeechobee to the northern estuaries.
- Increasing freshwater flow to the Everglades system.
- Identifying the next increment of storage, treatment and conveyance south of Lake Okeechobee to reduce ongoing ecological damage to the northern estuaries and Everglades.

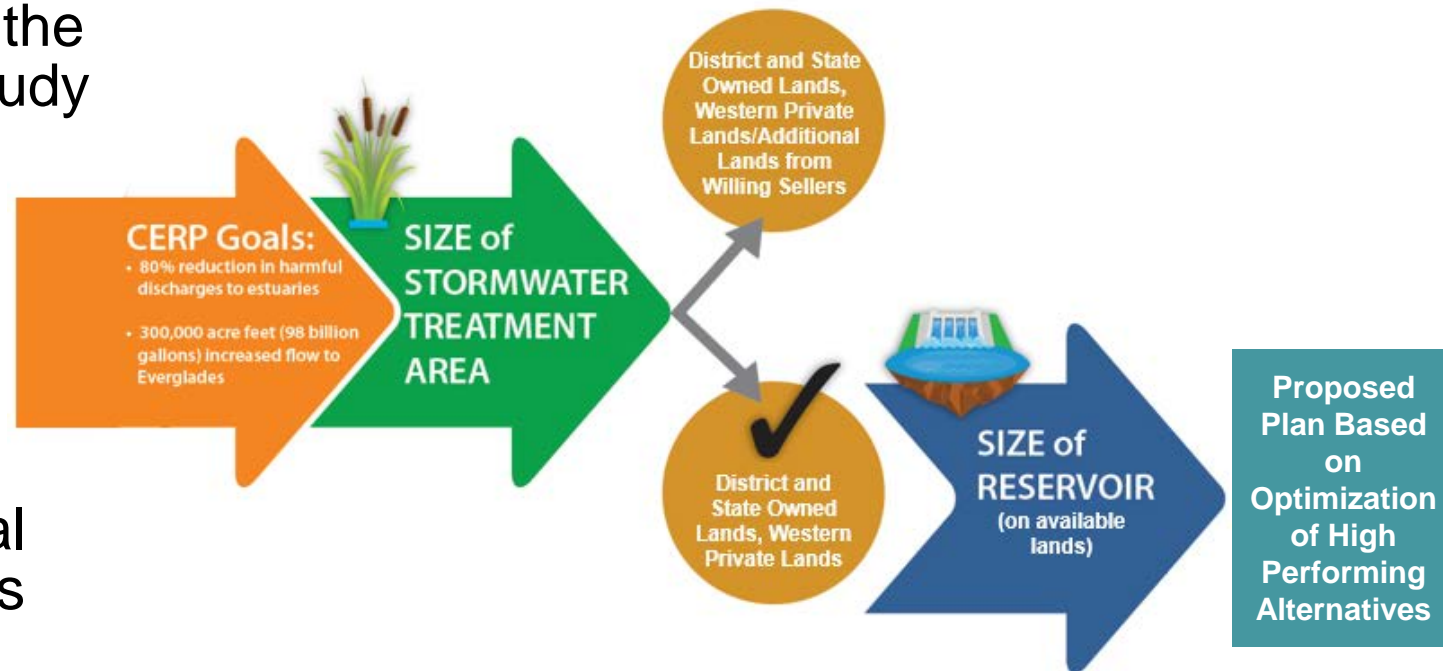
CEPP: Starting Point for EAA Storage Reservoir

- The Central Everglades Planning Project (CEPP) included the first increment of EAA storage more broadly described in CERP.
- CEPP opens the south end of the Everglades system and is crucial to achieving EAA Storage Reservoir project goals.
- Consistent with state law, SFWMD is seeking federal approval and cost sharing of the project as a change to the congressionally approved CEPP.



EAA Storage Reservoir Plan is Effective and Implementable

- Several state and federal laws, federal planning processes and other considerations will continue to be considered to obtain necessary approvals to partner with the federal government.
- Public involvement in the development of the study has been extensive.
- Recreational opportunities for the public are included in plan.
- Independent, technical and regulatory reviews are in progress.



Peer Reviewed Modeling Tools - **Water Quality** (DMSTA); **Hydrology** (RSM-BN, RSM-GL);

Hydraulics (HEC-RAS); **Habitat Units**; **Optimization**

Alternative Configurations

Alternative R240A: **COST EFFECTIVE + BEST BUY**

- 240,000 acre-foot reservoir plus A-1 Flow Equalization Basin
- Reservoir is approximately 10,100 acres and approximately 23 feet deep
- Stormwater Treatment Area (STA) is approximately 6,500 acres

Alternative R240B:

- 240,000 acre-foot reservoir plus A-1 Flow Equalization Basin
- Reservoir is approximately 10,100 acres and approximately 23 feet deep
- Stormwater Treatment Area (STA) is approximately 6,500 acres

Alternative R360C:

- 360,000 acre-foot reservoir
- Reservoir is approximately 19,700 acres and approximately 18 feet deep
- Stormwater Treatment Area (STA) is approximately 11,500 acres

Alternative R360D:

- 360,000 acre-foot reservoir
- Reservoir is approximately 19,700 acres and approximately 18 feet deep
- Stormwater Treatment Area (STA) is approximately 11,500 acres

Alternative C360C: **COST EFFECTIVE + BEST BUY**

- 360,000 acre-foot reservoir
- Same configuration as Alternative R360C
- Can also serve multiple purposes including water supply as identified in the Comprehensive Everglades Restoration Plan (CERP), Component G

All Alternatives:

- ✓ Reduce Discharges to Northern Estuaries
- ✓ Increase Flows to Greater Everglades
- ✓ Meet Water Quality Requirements

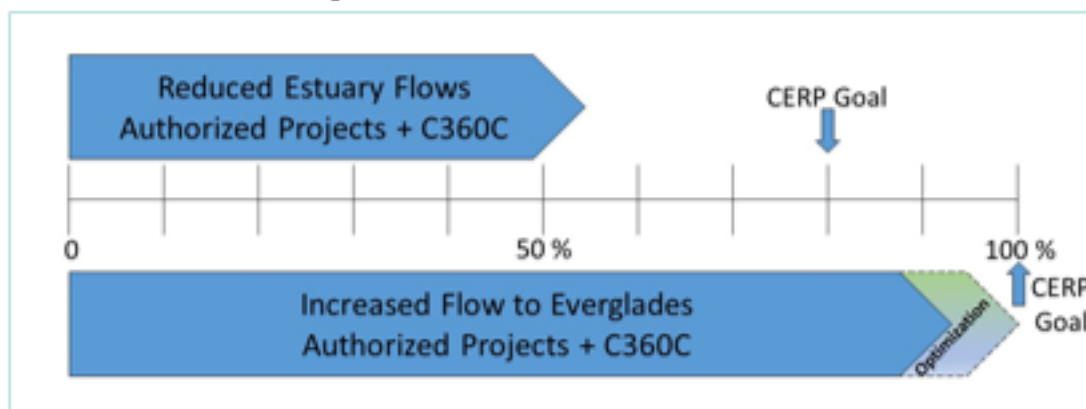
- Costs and benefits will be refined through the planning process
- Selected cost effective + best buy alternatives will be optimized to increase benefits

Alternative C360C

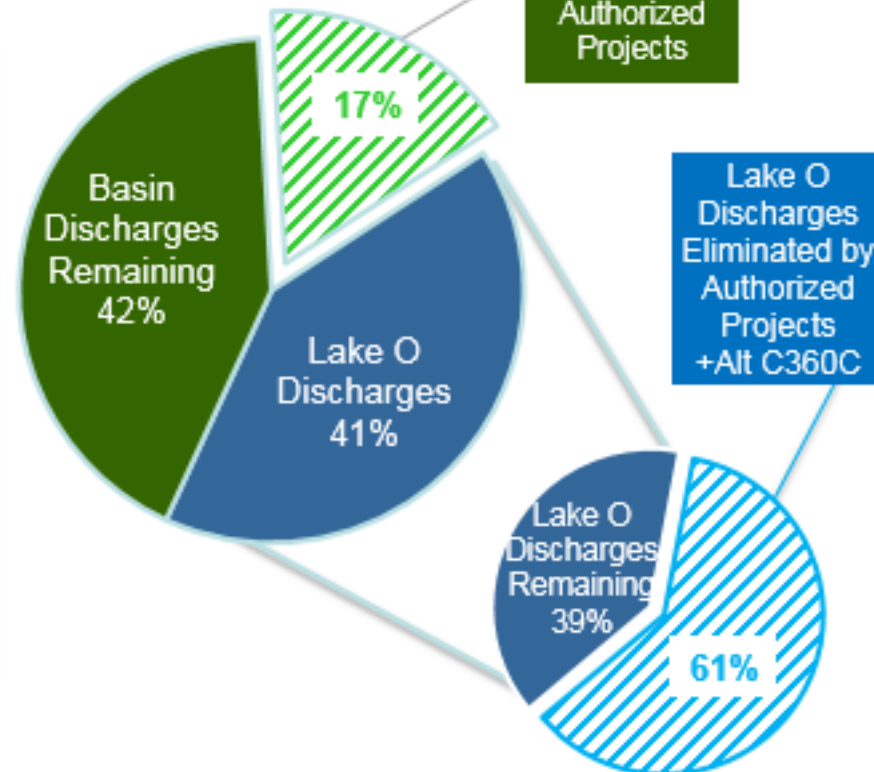
COST EFFECTIVE + BEST BUY



Improved Flow Conditions



% Northern Estuary Events Eliminated



Region	C360 Habitat Unit Lift
Northern Estuaries	4,039
Greater Everglades	13,161
Florida Bay	9,900
Total HU Lift	27,100

Plan Capital Cost \$2.11B⁽¹⁾ – CEPP New Water Component \$0.40B⁽²⁾ = **Capital Cost to Implement Plan \$1.71B**

⁽¹⁾Includes Reservoir + Stormwater Treatment Area + Real Estate \$2.01B, Canal Conveyance Improvement \$100M, and Recreation Plan \$2.2M Costs

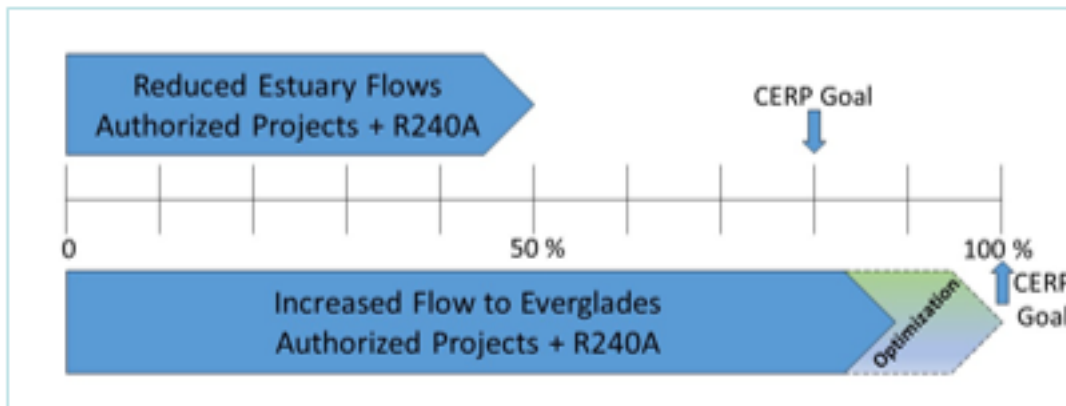
⁽²⁾Includes CEPP A2 FEB and A2 Recreation Plan

Alternative R240A

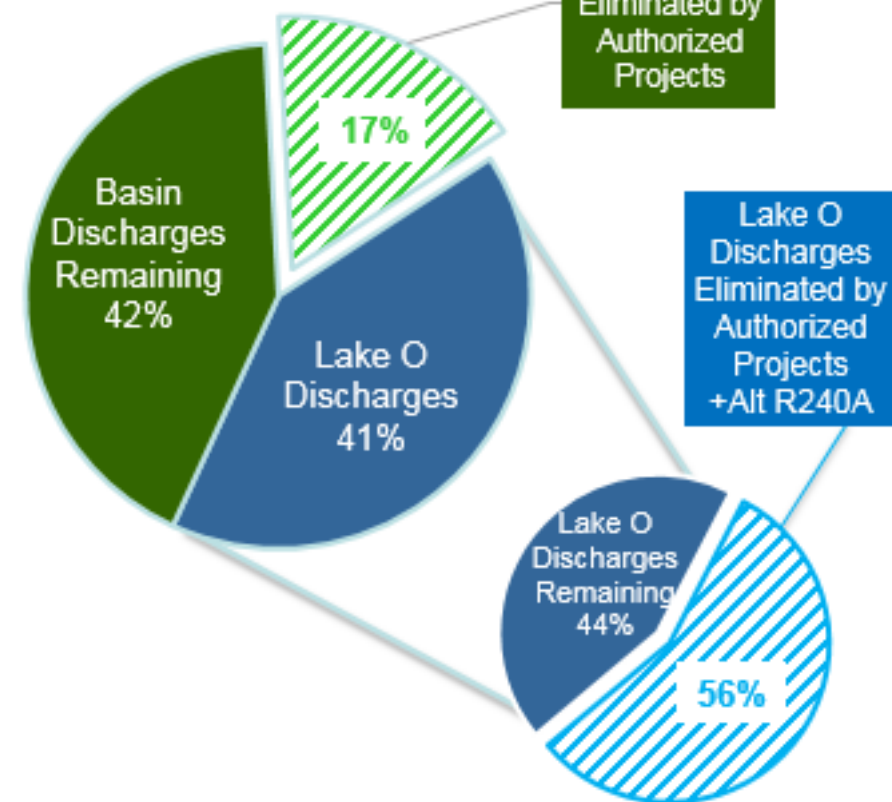
COST EFFECTIVE + BEST BUY



Improved Flow Conditions



% Northern Estuary Events Eliminated



Region	R240 Habitat Unit Lift
Northern Estuaries	2,169
Greater Everglades	10,775
Florida Bay	9,100
Total HU Lift	22,044

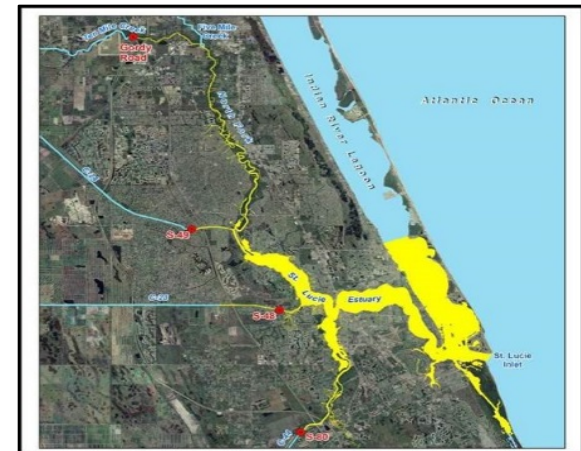
Plan Capital Cost \$1.74B⁽¹⁾ – CEPP New Water Component \$0.40B⁽²⁾ = **Capital Cost to Implement Plan \$1.34B**

⁽¹⁾Includes Reservoir + Stormwater Treatment Area + Real Estate \$1.64B, Canal Conveyance Improvement \$100M, and Recreation Plan \$2.2M Costs

⁽²⁾Includes CEPP A2 FEB and A2 Recreation Plan

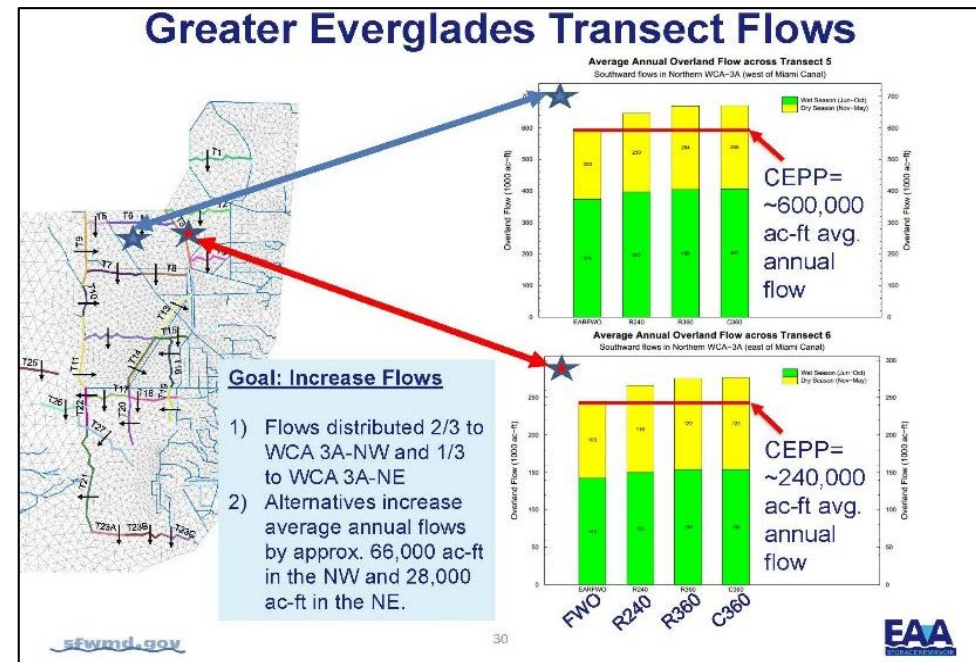
Ecological Benefits to Northern Estuaries

- All the alternatives help restore the resiliency of the northern estuaries by reducing the number, duration and frequency of harmful discharges from Lake Okeechobee.
 - **33%** reduction in high-flow discharge events lasting more than 60 days to the Caloosahatchee Estuary for all alternatives, in addition to the benefits provided by CEPP.
 - **55%** reduction in high-flow discharge events lasting more than 42 days to the St. Lucie Estuary for all alternatives, in addition to the benefits provided by CEPP.
 - **50-54%** reduction in discharge volumes from Lake Okeechobee to the northern estuaries, in conjunction with authorized projects.
 - **56-61%** reduction in the number of discharge events from Lake Okeechobee to the northern estuaries, in conjunction with authorized projects.



Ecological Benefits to Greater Everglades

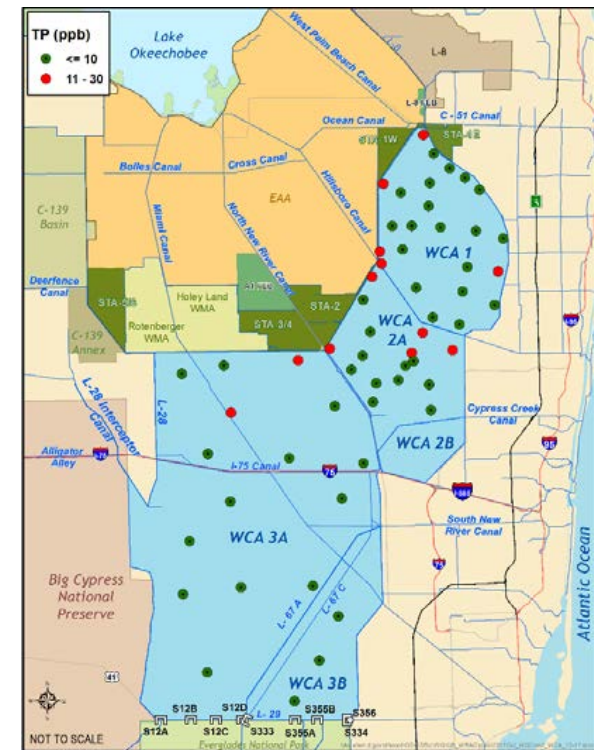
- All alternatives achieve the CERP goal of delivering an annual average of approx. 98 billion gallons (300,000 acre-feet) of clean water south.
- Further optimization of high-performing alternatives will improve this performance.
- When used in conjunction with the other authorized and constructed restoration projects – particularly the C-111 South Dade and Florida Bay projects – all alternatives show a small increase in surface water flows at Taylor Slough and a modest improvement in salinity across Florida Bay performance measure zones.



Reservoir Builds on Successful Improvement of Everglades Water Quality

- Florida has made tremendous investments to achieve water quality in the Everglades.
- New Stormwater Treatment Area sized to continue that progress.
- Successful programs such as Gov. Scott's Restoration Strategies composed the framework used to develop the EAA Storage Reservoir.
- All EAA Storage Reservoir alternatives achieve state water quality standards.

Water Years 2013-2017 Total Phosphorus



90 percent of the Everglades is achieving clean water quality standards for levels of phosphorus at 10 parts per billion

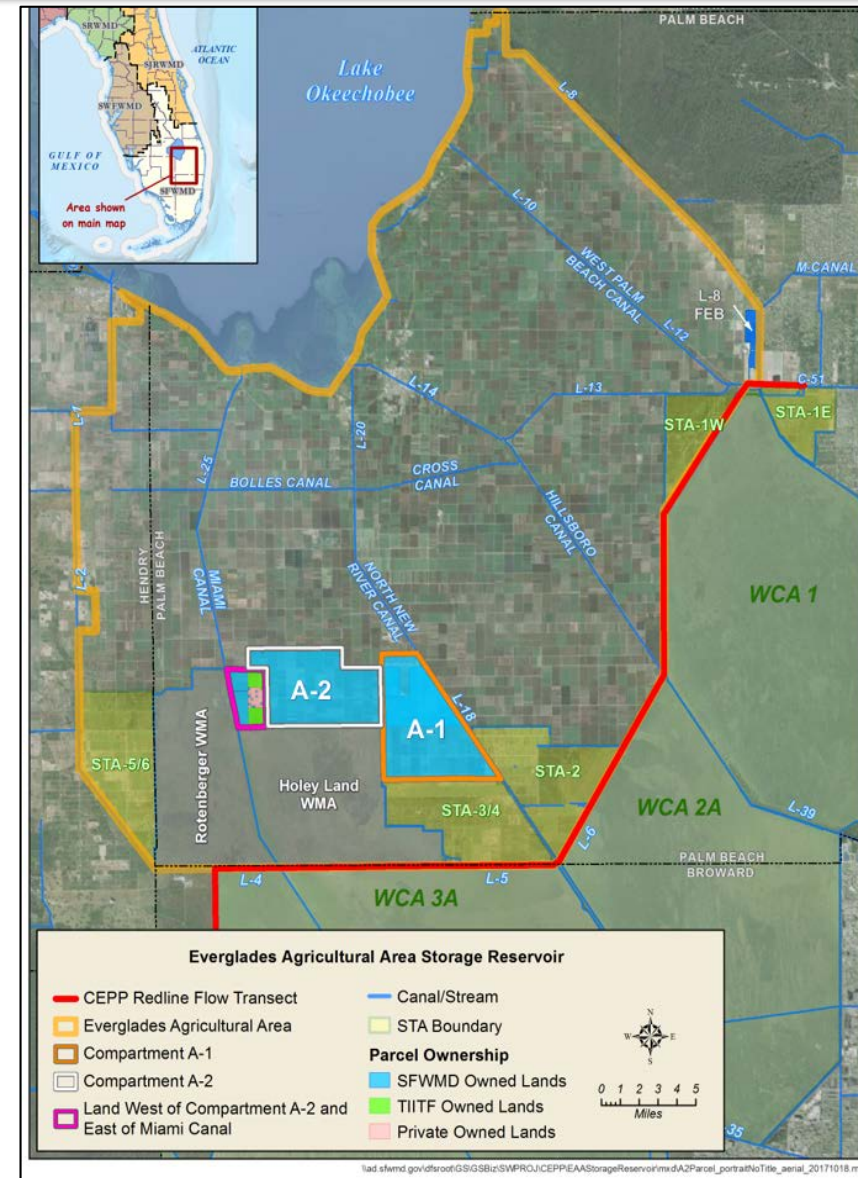
Real Estate Requirements and Actions

➤ Pursuit of willing sellers:

- SFWMD actively pursued purchase of privately held lands in the area west of the A-2 parcel identified by the Legislature. SFWMD submitted a written acquisition offer to both of the private landowners in those western lands between the A-2 parcel and the Miami Canal. Negotiations on western lands are progressing favorably.
- 15 private landowners who own the majority (80%) of the lands in the EAA notified SFWMD in writing that they are not willing to sell or remove agricultural land out of production for the project. SFWMD contacted other private landowners in the EAA, who have been either unresponsive or not willing to remove agricultural land out of production.

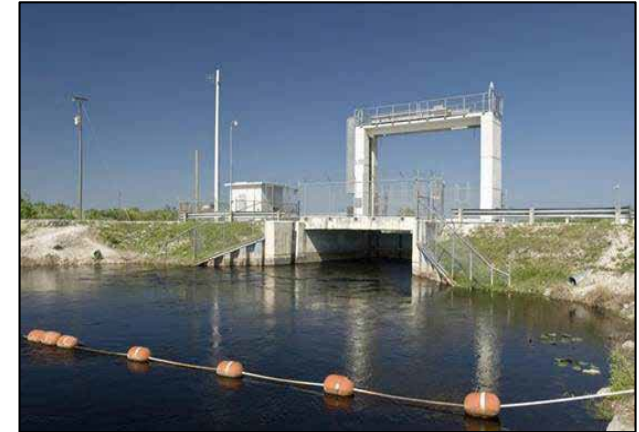
➤ Termination of leases: SFWMD leaseholders within the EAA have been notified that their leases will be terminated in accordance with lease terms.

➤ Land exchanges: SFWMD will continue to coordinate with the Florida Department of Environmental Protection to identify and offer any available state-owned lands for private lands that can build upon the existing project footprint.



SFWMD Working with Federal Partners

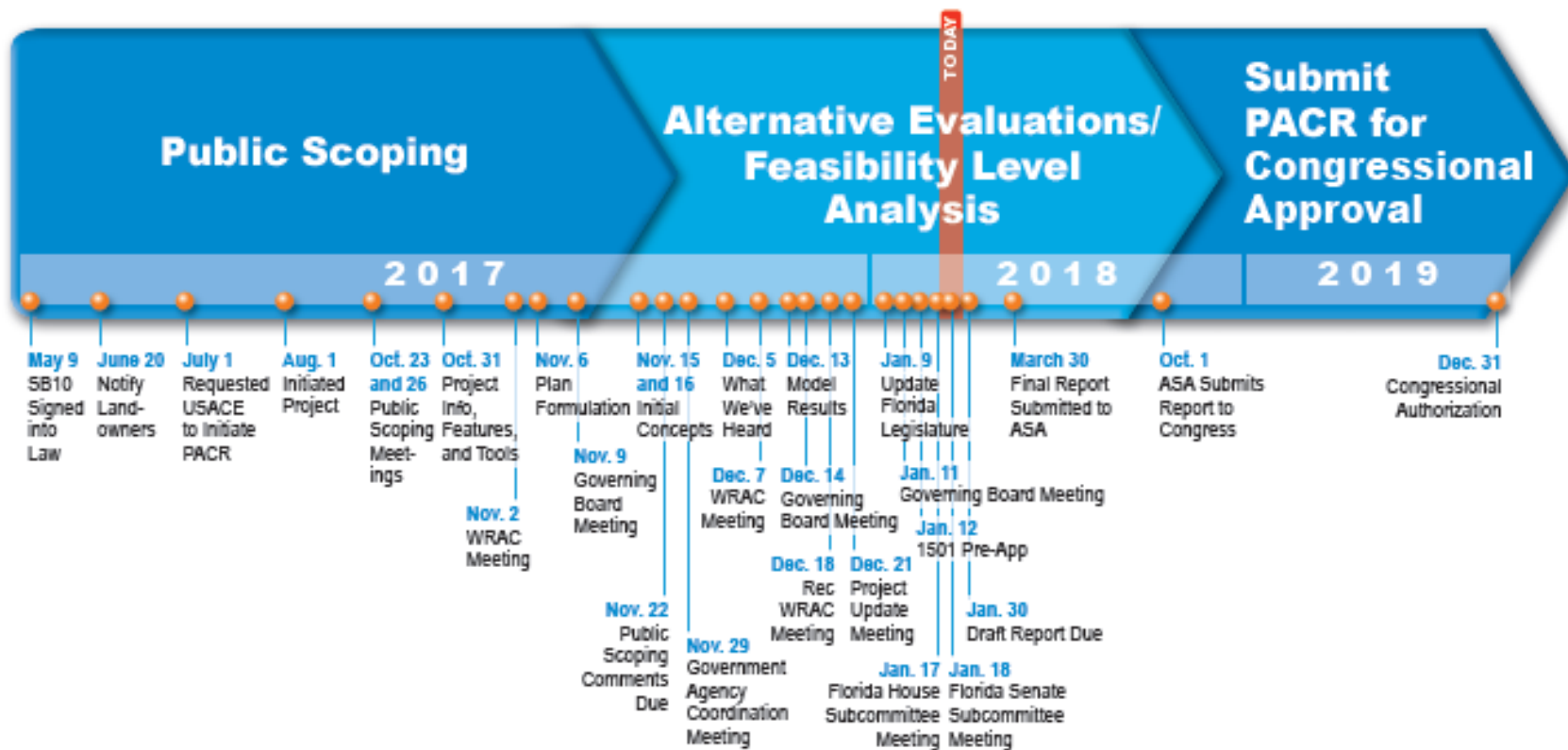
- SFWMD identified the most likely path forward to achieve timeframes in Senate Bill 10 and protect eligibility for federal cost share.
- Mechanism selected is authorized under Section 203 of the Water Resource Development Act of 1986 (as amended), which encourages local sponsors to develop feasibility studies with technical assistance from the federal government.
- Letter exchange between SFWMD and Assistant Secretary of the Army (ASA) Civil Works Office indicated full support of SFWMD efforts and directed staff to prepare a Memorandum of Agreement (MOA) for technical assistance for the Post Authorization Change Report to CEPP under Section 203.
- SFWMD and USACE prepared and executed a MOA for technical assistance.
- As a follow-up step, SFWMD has attempted to develop supporting scopes of work for USACE technical assistance and proposed to fund their participation.
- Letter sent to ASA Civil Works Office expressing concerns regarding policy interpretations and federal delays in executing a scope of work for technical assistance.
- ASA Civil Works Office response still pending.
- Continue to follow federal process requirements and pursue participation by USACE in the planning process.



EAA Storage Reservoir Next Steps



EAA Storage Reservoir Timeline



EAA Storage Reservoir Meets Goals and Objectives of Senate Bill 10

- Alternatives built on foundation of sound scientific data, modeling and public participation.
- Alternatives reduce number, duration and frequency of harmful discharges to northern estuaries.
- Alternatives meet CERP goals for increased flow to Everglades.
- Alternatives meet state water quality standards.
- “Cost effective + best buy” alternatives are workable and implementable.





Questions?

More information is available on SFWMD's website at
www.sfwmd.gov/eaareservoir

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/19/18

Meeting Date

Bill Number (if applicable)

Topic UPDATE ON SB 10

Amendment Barcode (if applicable)

Name ERNEST MARKS

Job Title EXECUTIVE DIRECTOR

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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

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

Bill Number (if applicable)

Amendment Barcode (if applicable)

Job Title Dep. Sec. of FDEP

Phone _____

Email _____

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

Representing Florida Department of Environmental Protection

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.

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)

1-18-17

Meeting Date

TAB 7 EAA update
Bill Number (if applicable)

Topic EAA Reservoir

Amendment Barcode (if applicable)

Name Tammy Jackson-Moore

Job Title _____

Address PO Box 761

Phone 561-914-0311

Street

South Bay FL 33493

City

State

Zip

Email guardiansoftheglades@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Guardians of the Glades

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)

State of Florida
2017
Debt Report

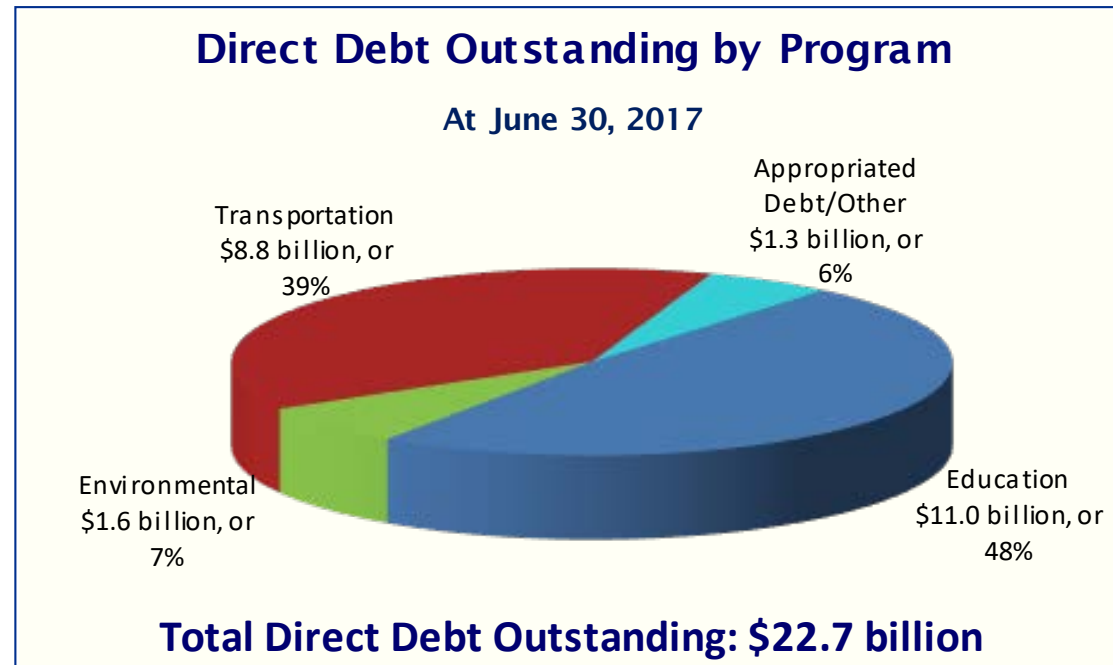
December 2017



Debt Affordability Analysis

- Purpose of debt affordability analysis is to provide a framework for measuring, monitoring and managing the State's debt
- Provides information to assist Legislature in formulating capital spending plans
- Analytical approach to evaluating the State's debt position
- Financial model used to evaluate debt burden – the “benchmark debt ratio” – based on two variables:
 - 1) Annual debt service requirements
 - 2) State revenues available to pay debt service
- Designated benchmark debt ratio – 6% target, 7% cap
- Model provides framework for evaluating long-term impact of bonding
- Requirements for Report:
 - Calculate total State direct and indirect debt outstanding
 - Evaluate changes in debt and annual debt service requirements over last 10 years
 - Update projections for future debt issuance compared to revised revenue estimates
 - Calculate benchmark debt ratio based on projected future debt issuance and projected revenue collections
 - Evaluate level of reserves
 - Review credit ratings

Direct Debt Outstanding



- **Total outstanding direct debt at June 30, 2017 was \$22.7 billion** (net tax-supported debt was \$18.9 billion and self-supporting debt was \$3.8 billion)
- Largest infrastructure investment for school construction of \$11.0 billion (48%)
- Second largest for transportation projects (primarily long term Public-Private Partnership obligations and toll facilities) of \$8.8 billion (39%)
- Third largest for acquiring land for conservation of \$1.6 billion (7%)

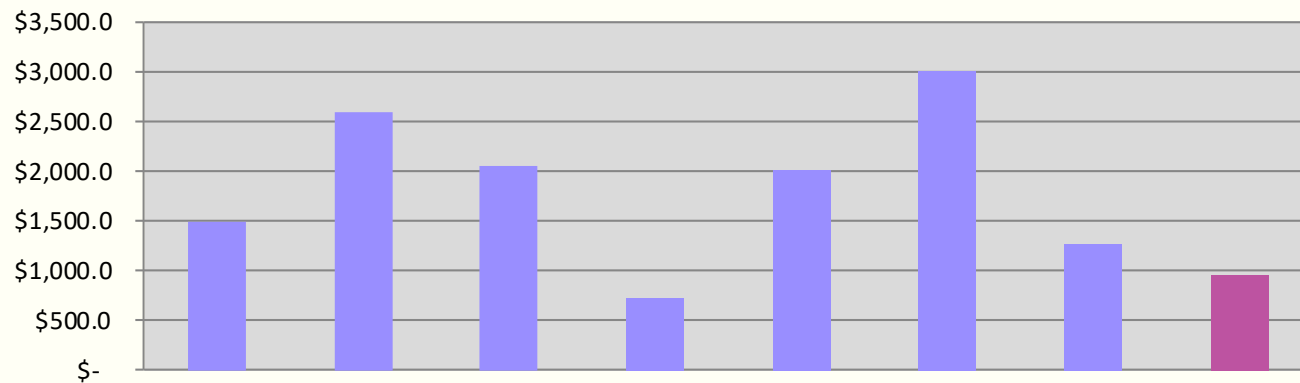
Decrease In Debt Relative to Historical Trend



- State debt outstanding increased annually and more than tripled from 1992 through 2010 before starting to decrease in 2011 for first time in decades
- ***Decrease in debt continued in Fiscal Year 2017 (\$1.4 billion decrease) continuing reversal of long-term trend of increasing State debt***
- ***Total direct debt outstanding has decreased by approximately \$5.5 billion (20%) over the last seven fiscal years (not including repaying \$3.5 billion federal loan to Unemployment Trust Fund)***
- One year of increase in Fiscal Year 2015 due to adding Public-Private Partnership obligations of \$2.7 billion for I-4 Ultimate
- If trend of increasing debt had continued, outstanding debt would be \$35.3 billion or 56% (\$12.6 billion) more than it was at end of Fiscal Year 2017

Refinancing Activity

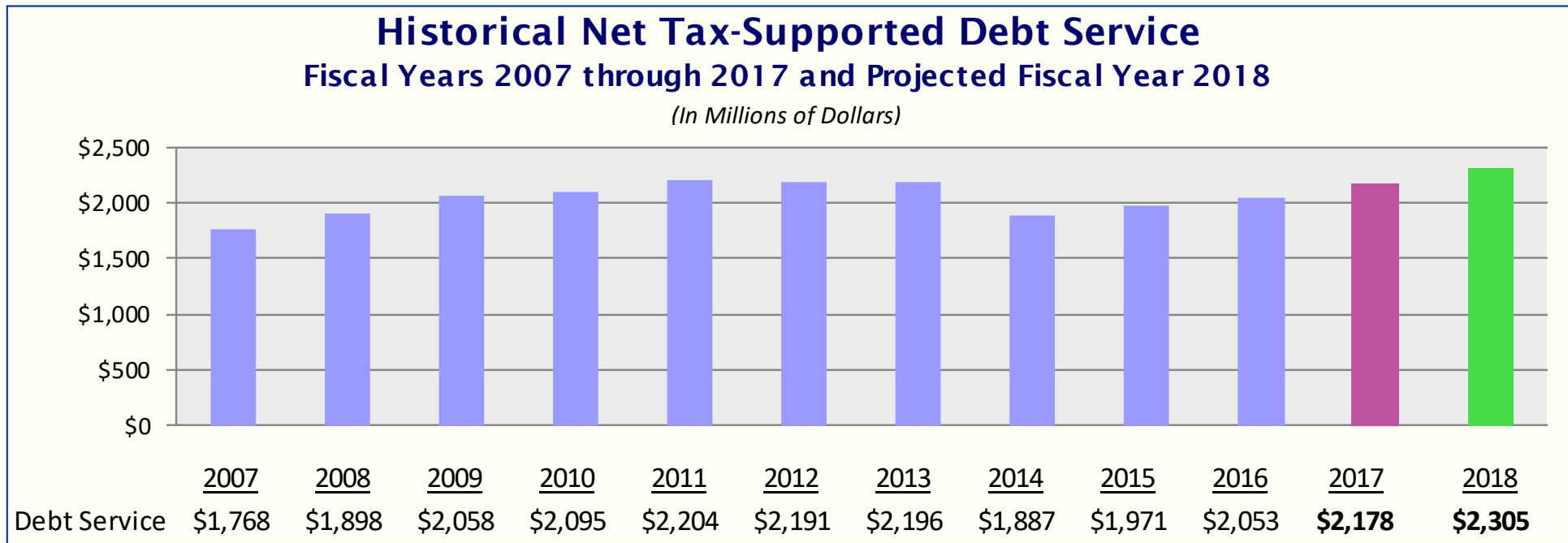
Historical Refinancing Activity
Fiscal Years 2011 through 2017: 2018 Y-T-D
(In Millions of Dollars)



	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>Total</u>
Number of Transactions	12	20	10	9	14	13	14	6	98
Refunding Par	\$ 1,491.1	\$ 2,595.0	\$ 2,049.4	\$ 713.9	\$ 2,004.2	\$ 3,003.6	\$ 1,267.8	\$ 954.3	\$ 14,079.2
Refunding Savings:									
Gross Savings	\$ 193.3	\$ 450.9	\$ 515.6	\$ 99.1	\$ 375.9	\$ 618.8	\$ 303.6	\$ 255.2	\$ 2,812.4
Present Value Savings	\$ 162.4	\$ 366.2	\$ 406.1	\$ 87.0	\$ 311.1	\$ 380.5	\$ 247.0	\$ 201.0	\$ 2,161.2

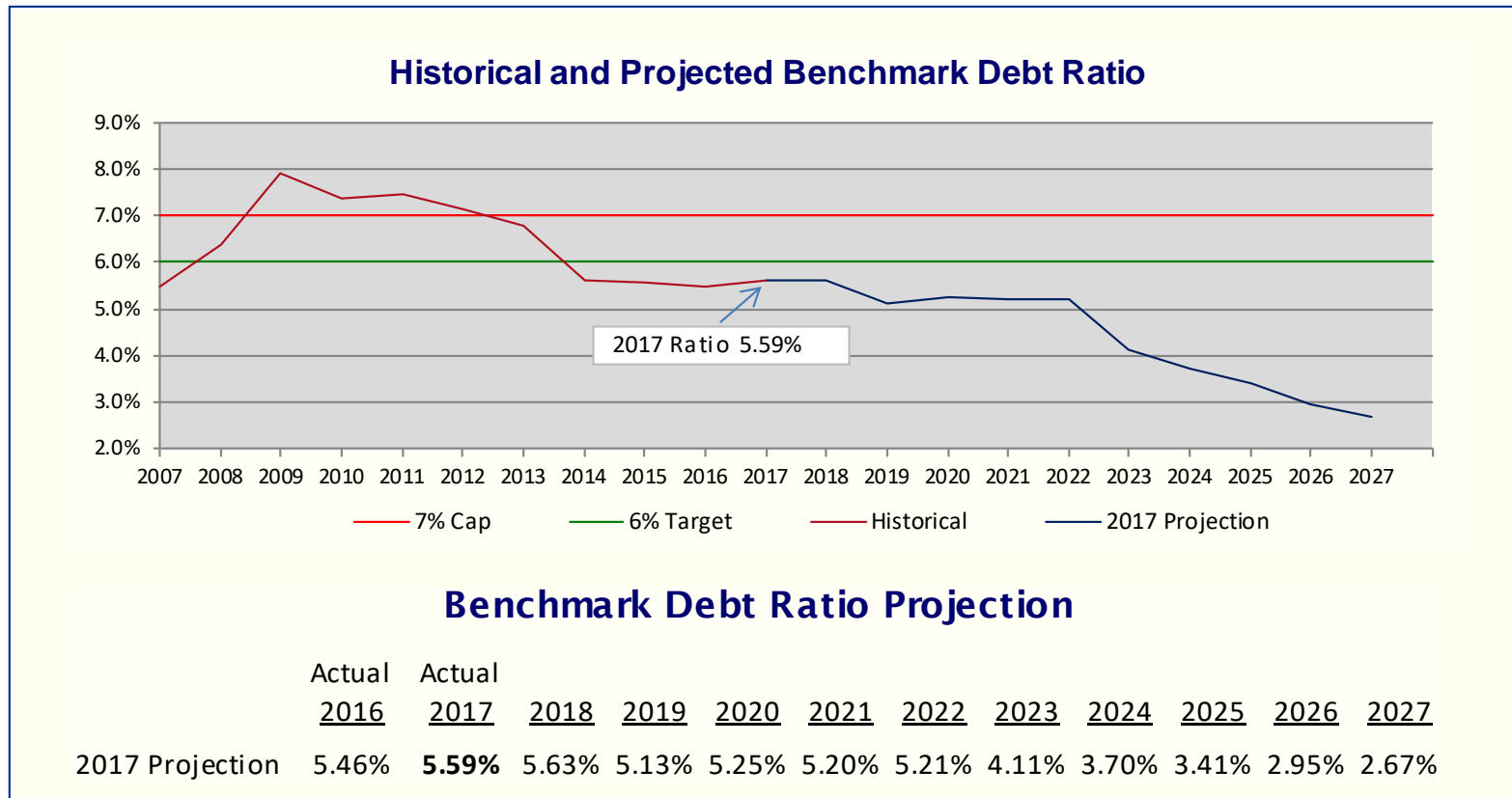
- **DBF executed 14 refunding transactions in Fiscal Year 2017 totaling \$1.3 billion and generating gross debt service savings of \$304 million** or \$247 million on a present value basis
- DBF executed 98 refunding transactions over the last 7.5 fiscal years totaling \$14.1 billion
- **Refinancing activity over last 7.5 years has generated gross debt service savings of nearly \$2.8 billion** or \$2.2 billion on a present value basis
- Over half (62%) of all state debt has been refinanced at lower interest rates over the last 7.5 years

Changes in Annual Debt Service



- Annual debt service payments for net tax-supported debt increased nearly 24% over seven years from \$1.8 billion in 2007 to \$2.2 billion in 2013
- ***Fiscal Year 2017 debt service increased to about \$2.2 billion due to refinement of how Public-Private Partnership obligations are reflected in outstanding debt and will increase again in Fiscal 2018 to \$2.3 billion***

Benchmark Debt Ratio



- Benchmark debt ratio is debt service as percentage of revenues available to pay debt service
- Significant increase in benchmark debt ratio from 2006 – 2009 due to significant revenue declines
- **Benchmark debt ratio for Fiscal Year 2017 was 5.59% and remained under the 6% target for the fourth consecutive year**
- Benchmark debt ratio is projected to remain under the 6% target throughout the 10-year projection period but is dependent upon continued revenue growth and restrained issuance of new money debt

Pension Funding

- Rating agencies have developed criteria and methodologies to analyze pension liabilities; most important credit issue over last 5 years
- Management of Florida Retirement System (“FRS”) and unfunded pension liability is a critical part of credit analysis of the State
- ***Most important element of pension funding is making the required contributions***
- Prior to the recession, the State was diligent about contributing the ADC to the FRS
- Pension holiday in Fiscal Year 2011, 2012 and 2013 as part of budget balancing exercise
- Pension reform (effective 7/1/12) helps constrain growing liability and pension cost
- For the last 5 years, the State budgeted contributions sufficient to fully fund the ADC based on the FRS plan assumptions
- ***Rating agencies now focused on reasonableness of investment return assumption and actuarial methodologies***
- ***Problematic pension liabilities created from underfunding required contributions (several state rating downgrades due to outsized pension liabilities)***
- State has reduced investment return assumption from 7.75% to 7.50% over last three years, but greater reductions are needed to avoid underfunding FRS over the long-term

Peer Comparison of Pension Liabilities

2016 Pension Metrics Comparison of Eleven Most Populous States										
Adjusted Net Pension Liabilities ("ANPL") and Medians										
State	Rank	ANPL		ANPL as a % of		ANPL		ANPL as a % of		ANPL as a % of
		(in Millions)	Rank	Own-Source Revenues	Rank	Per Capita	Rank	Personal Income	Rank	
Illinois	1	\$ 200,629	1	487.0%	1	\$ 15,672	1	30.1%	1	25.3%
California	2	192,535	5	117.0%	4	4,905	4	8.8%	5	7.4%
Texas	3	108,619	4	162.0%	5	3,898	6	8.2%	6	6.7%
New Jersey	4	94,969	2	249.0%	2	10,618	2	17.1%	2	16.3%
Pennsylvania	5	66,598	3	164.0%	3	5,209	3	10.2%	3	9.2%
New York	6	42,914	8	47.0%	7	2,173	8	3.6%	8	2.9%
Michigan	7	36,820	6	115.0%	6	3,709	5	8.4%	4	7.6%
Georgia	8	19,679	7	82.0%	8	1,909	7	4.6%	7	3.7%
Florida	9	16,531	10	35.0%	10	802	10	1.8%	10	1.8%
Ohio	10	13,639	9	43.0%	9	1,174	9	2.6%	9	2.2%
North Carolina	11	6,709	11	24.0%	11	661	11	1.6%	11	1.3%
Median		\$ 42,914		115.0%		\$ 3,709		8.2%		6.7%
Mean		\$ 72,695		138.6%		\$ 4,612		8.8%		7.7%
National Median		\$ 9,734		82.0%		\$ 2,446		6.0%		4.9%

- Moody's and Fitch each employ "adjustments" to reported pension liabilities for greater comparison of State defined benefit systems
- ***Florida's adjusted net pension liability ("ANPL") metrics are significantly stronger than national averages***
- Florida has the third lowest ANPL in the peer group
- Florida has the second lowest ANPL metric in the peer group for each of the other metrics; ANPL as a percent of revenue, per capita, ANPL as a percent of personal income, and ANPL as a percent of GDP
- ***Pension system management and funding is an important part of credit analysis***

Florida's Credit Ratings

State of Florida General Obligation Credit Ratings		
	<u>Ratings</u>	<u>Outlook</u>
Standard & Poor's	AAA	Stable
Fitch Ratings	AAA	Stable
Moody's Investors Service	Aa1	Stable

- Credit ratings are integral in the municipal bond market and are one factor that affects the interest rate on State debt offerings
- Factors analyzed in assigning State's credit ratings:
 - Governance Framework
 - Financial Management
 - Budgetary Performance
 - Debt/Liability Profile
 - Economy
- ***Florida's credit ratings were affirmed during Fiscal Year 2017 and have not changed***

Florida's Credit Ratings

- The rating agencies have identified the following credit strengths and challenges:

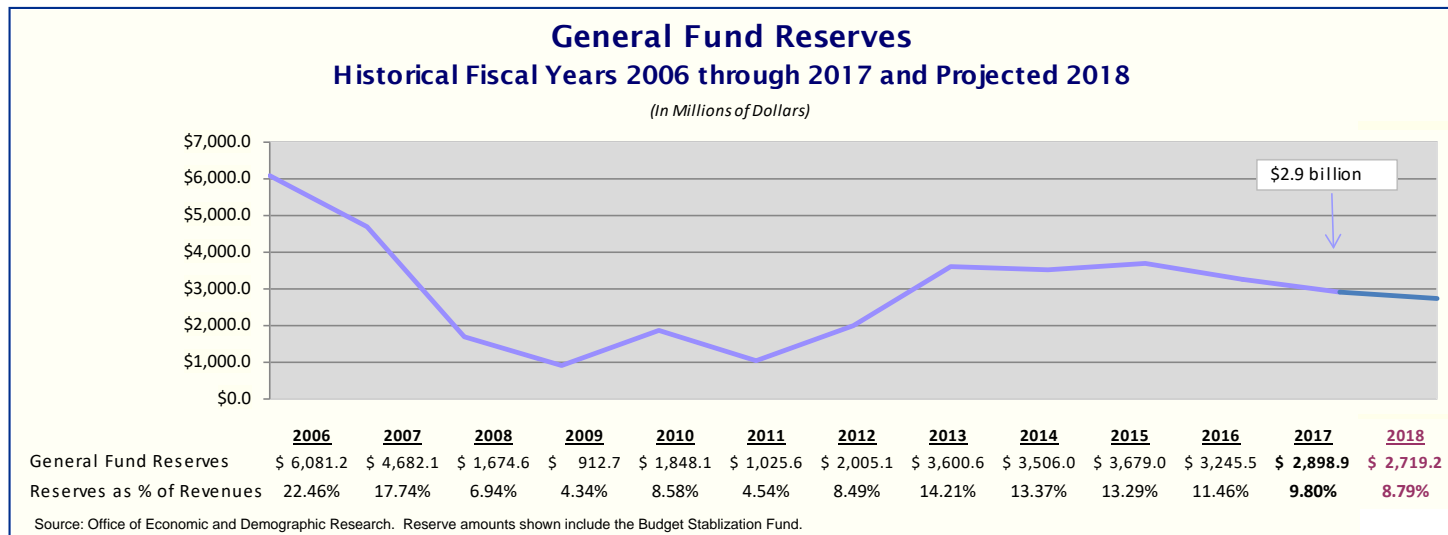
Strengths:

- ***Strong budget, financial and debt management practices***
- ***Structurally balanced budget***
- ***Solid/good general fund reserves***
- Strong employment and population growth
- Moderate and decreasing debt burden with clear guidelines
- ***Well-funded pension system and full funding for pension contribution every fiscal year since 2014***
- Large, diverse economy that benefits from a low cost of living and favorable climate

Challenges:

- Heavy dependence on economically sensitive sales taxes
- ***Maintaining adequate reserves***
- ***Maintaining structural budget balance*** while absorbing spending pressures and without overreliance on non-recurring revenues
- Mitigation of fiscal and economic risks associated with hurricane events and insurance entity debt obligations
- ***Management of the pension system and associated liabilities are increasingly important to the rating agencies credit analytics***
- There is an increasing focus on best practices and reasonableness of assumptions in calculating pension liabilities and annual contribution amounts
- ***Rating agencies will continue to evaluate the State's ability to meet revenue projections and maintain reserves and structural budget balance***
- Rating agency models indicate that Florida is more susceptible to revenue declines in recession scenarios, making adequate reserve levels an important credit factor

General Fund Reserves



- General Fund reserves include unspent General Revenue and funds held in the Budget Stabilization Fund
- In 2007, 2008, and 2009, reserves were used to help balance the budget but were rebuilt in 2012-2013
- ***Fiscal Year 2017 ended with General Fund reserves of \$2.9 billion or 9.8% of general revenues***
- ***General Fund reserves are currently projected to be around \$2.7 billion or 8.8% of projected general revenues at the end of Fiscal Year 2018***
- ***The Legislature's Long-Range Financial Outlook assumes spending approximately \$500 million of reserves in Fiscal Year 2019 by using \$1 billion as targeted unspent GR***
- ***Governor's Budget Recommendations leave \$1.4 billion in unspent GR which when combined with Budget Stabilization Fund of \$1.5 billion totals \$2.9 billion or 9.0% of projected general revenues***
- ***Adequate reserves are critical to maintaining the State's credit rating and providing financial flexibility to respond to financial contingencies***
- Fitch and S&P evaluating adequacy of reserves using revenue volatility from recession scenarios
- ***General Fund reserves as percent of revenues has declined from a strong 14.2% in 2013 to a solid/good 9.8% in 2017***

Conclusions

- ***State debt has been reduced by \$5.5 billion over the last seven years*** (not including \$3.5 billion federal loan repayment to Unemployment Trust Fund)
- At June 30, 2017 ***State direct debt totaled \$22.7 billion, \$1.4 billion less than the prior fiscal year***
- ***Refinancings*** over last 7.5 fiscal years ***have saved the State \$2.8 billion***
- Recurring annual debt service payments were \$2.2 billion in Fiscal Year 2017, slightly higher than Fiscal Year 2016
- ***Benchmark debt ratio of 5.59% remained below the 6% target for a fourth consecutive year***
- ***General Fund reserves at June 30, 2017 were approximately \$2.9 billion, or 9.8% of General Revenues and are projected to be \$2.7 billion at end of Fiscal Year 2018***
- ***State credit ratings are very strong (AAA, AAA, Aa1)*** but are vulnerable to a deterioration of economic conditions which negatively affect financial performance, structural budget balance, pension funding or reserves
- ***Management and funding of the pension system have become an important part of evaluating the State's credit rating*** and fully funding the ADC is an important credit consideration





THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations
Appropriations Subcommittee on Pre-K - 12
Education
Banking and Insurance
Communications, Energy, and Public Utilities
Criminal Justice

SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

SENATOR DENISE GRIMSLEY

26th District

January 17, 2018

The Honorable Rob Bradley
414 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman,

I respectfully request permission to be excused from our committee meeting on Thursday, January 18, 2018. I need to attend a funeral.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Denise Grimsley".

Denise Grimsley
State Senator, District 26

DG/mm

Handwritten initials "RB" in blue ink, with a large checkmark below them.

REPLY TO:

- ☐ 295 E. Interlake Boulevard, Lake Placid, Florida 33852 (863) 465-2626
- ☐ 212 East Stuart Avenue, Lake Wales, Florida 33853 (863) 679-4847
- ☐ 410 Taylor Street, Suite 106, Punta Gorda, Florida 33950 (941) 575-5717
- ☐ 413 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5026

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:

Caption: Senate Appropriations Committee

Judge:

Started: 1/18/2018 4:00:42 PM

Ends: 1/18/2018 6:00:28 PM

Length: 01:59:47

4:00:58 PM	Sen. Bradley (Chair)
4:02:40 PM	S 564
4:02:47 PM	Sen. Young
4:03:47 PM	Am. 408434
4:04:15 PM	Sen. Young
4:05:33 PM	Sen. Bradley
4:05:33 PM	Janet Lamoureux, Florida PTA (waives in support)
4:05:37 PM	Connie Milito, Chief Officer, Government Relations, Hillsborough County Public Schools (waives in support)
4:06:02 PM	Wendy Dodge, Director of Legislative Affairs, Polk County School (waives in support)
4:06:13 PM	Sen. Bradley
4:06:22 PM	Sen. Young
4:06:27 PM	Sen. Bradley
4:06:32 PM	S 564 cont.
4:06:33 PM	Bill Bunkley, President, Florida Ethics and Religious Liberty Commission (waives in support)
4:06:57 PM	Janet Lamoureux, Florida PTA (waives in support)
4:07:59 PM	Sen. Bradley
4:08:08 PM	Sen. Benacquisto
4:08:40 PM	Sen. Bradley
4:08:46 PM	S 610
4:08:56 PM	PCS 660674
4:09:08 PM	Sen. Young
4:10:48 PM	Sen. Bradley
4:11:04 PM	Carolyn Johnson, Policy Director, Florida Chamber of Commerce (waives in support)
4:11:15 PM	Tim Nungesser, Legislative Director, National Federation of Independent Business (waives in support)
4:11:28 PM	Lance Lozano, Chief Operating Officer, Florida United Business Association (waives in support)
4:11:42 PM	Sen. Young
4:12:28 PM	Sen. Bradley
4:13:17 PM	TAB 7 - Update on SB 10 (Chapter 2017-10, L.O.F.)
4:13:49 PM	Sen. Bradley
4:15:15 PM	Ernie Marks, Executive Director, South Florida Water Management District
4:35:40 PM	Sen. Brandes
4:35:46 PM	Sen. Bradley
4:42:01 PM	Sen. Brandes
4:42:38 PM	E. Marks
4:42:53 PM	Sen Brandes
4:43:06 PM	E. Marks
4:43:50 PM	Sen. Passidomo
4:43:50 PM	Sen. Bradley
4:43:56 PM	E. Marks
4:44:17 PM	Sen. Passidomo
4:44:32 PM	E. Marks
4:44:47 PM	Sen. Passidomo
4:45:11 PM	E. Marks
4:45:24 PM	Sen. Baxley
4:45:34 PM	Sen. Montford
4:46:14 PM	E. Marks
4:46:36 PM	Sen. Montford
4:47:00 PM	E. Marks
4:48:19 PM	Sen. Stewart
4:48:28 PM	E. Marks
4:49:16 PM	Sen. Stewart

4:49:22 PM	E. Marks
4:50:12 PM	Sen. Stewart
4:50:19 PM	E. Marks
4:51:01 PM	Sen. Bradley
4:51:29 PM	Drew Bartlett, Deputy Secretary, Department of Environmental Protection
4:51:31 PM	Sen. Bradley
4:51:39 PM	Sen. Stewart
4:52:00 PM	D. Bartlett
4:53:02 PM	Sen. Stewart
4:53:14 PM	D. Bartlett
4:55:10 PM	Sen. Braynon
4:55:53 PM	D. Bartlett
4:56:11 PM	Sen. Braynon
4:56:31 PM	Sen. Simmons
4:59:19 PM	E. Marks
4:59:59 PM	Sen. Simmons
5:00:12 PM	E. Marks
5:00:35 PM	Sen. Simmons
5:00:49 PM	E. Marks
5:02:05 PM	Sen. Simmons
5:02:19 PM	E. Marks
5:03:24 PM	Sen. Simmons
5:03:36 PM	E. Marks
5:03:59 PM	Sen. Powell
5:04:24 PM	E. Marks
5:05:18 PM	Sen. Powell
5:05:30 PM	E. Marks
5:06:24 PM	Sen. Bradley
5:06:32 PM	Sen. Gibson
5:06:46 PM	E. Marks
5:08:51 PM	Sen. Gibson
5:09:23 PM	E. Marks
5:12:06 PM	Sen. Brandes
5:12:14 PM	E. Marks
5:13:17 PM	Sen. Benacquisto
5:15:47 PM	Sen. Bradley
5:19:45 PM	S 152
5:19:57 PM	Sen. Powell
5:20:29 PM	Sen. Bradley
5:21:08 PM	Sen. Simpson
5:22:22 PM	Sen. Flores
5:22:29 PM	S 204
5:22:34 PM	Sen. Bradley
5:23:22 PM	Sen. Flores
5:23:27 PM	Amy Datz, Environmental Caucus of Florida (waives in support)
5:23:40 PM	Sen. Flores
5:24:27 PM	Sen. Bradley
5:24:30 PM	S 232
5:24:35 PM	Sen. Book
5:26:25 PM	Preston Robertson, Vice President/General Counsel, Florida Wildlife Federation (waives in support)
5:26:34 PM	Carol Bracy, Lobbyist, Martin County Board of County Commissioners (waives in support)
5:26:42 PM	Dr. Sally Butzin, Volunteer, League of Women Voters (waives in support)
5:26:51 PM	Amy Datz, Environmental Caucus of Florida (waives in support)
5:26:59 PM	Devon West, Policy Advisor, Broward County (waives in support)
5:27:10 PM	Jess McCarty, Assistant County Attorney, Miami-Dade County (waives in support)
5:27:21 PM	Sen. Bradley
5:29:11 PM	S 444
5:29:23 PM	Sen. Bean
5:30:39 PM	Sen. Stewart
5:30:57 PM	Sen. Bean
5:31:22 PM	Sen. Stewart
5:31:55 PM	Sen. Bean

5:32:23 PM	Sen. Stewart
5:32:37 PM	Sen. Bean
5:33:18 PM	Sen. Book
5:33:58 PM	Sen. Bean
5:35:08 PM	Sen. Book
5:36:01 PM	Sen. Bean
5:36:36 PM	Sen. Gibson
5:37:12 PM	Sen. Bean
5:37:39 PM	Sen. Gibson
5:38:13 PM	Sen. Bean
5:39:07 PM	Sen. Gibson
5:39:56 PM	Sen. Bean
5:40:21 PM	Sen. Stargel
5:40:46 PM	Sen. Benacquisto
5:40:54 PM	Sen. Bean
5:41:42 PM	Sen. Gibson
5:42:12 PM	Sen. Bean
5:42:24 PM	Sen. Gibson
5:43:24 PM	Sen. Bean
5:44:46 PM	Sen. Bradley
5:45:10 PM	Bill Bunkley, President, Florida Ethics and Religious Liberty Commission (waives in support)
5:45:16 PM	Barbara DeVane, Florida NOW (waives against)
5:45:21 PM	Betsy Franceschine, Social Services, Hispanic Federation (waives against)
5:45:28 PM	Stephanie Pineiro, Social Worker, Hispanic Federation, Central Florida Women's Emergency Fund (waives against)
5:45:38 PM	Missy Wesolowski, Director of Public Policy, Florida Alliance of Planned Parent Affiliates (waives against)
5:45:48 PM	Madeline Bretin (waives against)
5:45:54 PM	Kim Armstrong (waives against)
5:45:59 PM	Ashley Smith (waives against)
5:46:07 PM	Nia Desiree Spaulding (waives against)
5:46:14 PM	Summer Martinet (waives against)
5:46:18 PM	Sarah Whittington (waives against)
5:46:31 PM	Linda Miklowitz (waives against)
5:46:47 PM	Lisa Bullington, Retired Educator (waives against)
5:46:55 PM	Adrian Blakely (waives against)
5:46:58 PM	Imani Hutchinson (waives against)
5:47:01 PM	Haley Gentile (waives against)
5:47:07 PM	Jan Harris Maurer, Government Affairs Manager, Equality Florida (waives against)
5:47:16 PM	Leor Tal, Florida NOW (waives against)
5:47:36 PM	Barbara Wilson, retired
5:49:19 PM	Sen. Bean
5:49:23 PM	Ingrid Delgado, Associate for Social Concerns, Respect Life, Florida Conference of Catholic Bishops (waives in support)
5:49:35 PM	Amber Kelly, Director of Policy and Communications, Florida Family Action (waives in support)
5:49:46 PM	Charo Valero, Florida State Policy Director, Florida Latina Advocacy Network
5:49:55 PM	Crishelle Bailey (waives against)
5:50:06 PM	Sen. Bradley
5:51:04 PM	Tab 8 - 2017 Debt Report
5:51:59 PM	Sen. Stargel
5:52:13 PM	Ben Watkins, Director, Division of Bond Finance
6:00:02 PM	Sen. Bradley
6:00:28 PM	Sen. Bean
6:00:28 PM	