

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Detert, Chair
Senator Abruzzo, Vice Chair

MEETING DATE: Monday, March 17, 2014
TIME: 4:30 —6:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Detert, Chair; Senator Abruzzo, Vice Chair; Senators Bean, Hays, Hukill, Margolis, Richter, Ring, Simpson, Stargel, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 136 Transportation / Ring (Similar CS/H 3)	Freight Logistics Zones; Defining the term "freight logistics zone"; authorizing a county, or two or more contiguous counties, to designate a geographic area or areas within its jurisdiction as a freight logistics zone; requiring the adoption of a strategic plan that must include certain information; providing that certain projects within freight logistics zones may be eligible for priority in state funding and certain incentive programs; providing evaluation criteria for freight logistics zones, etc. TR 11/07/2013 Fav/CS CM 03/17/2014 Favorable ATD AP	Favorable Yeas 11 Nays 0
2	SB 970 Hays (Compare CS/H 873, CS/CS/H 7015, CS/S 860)	Employment of Veterans; Authorizing a private employer to give priority in its hiring practices to certain wartime veterans and spouses of service-disabled veterans, etc. MS 03/05/2014 Favorable CM 03/17/2014 Temporarily Postponed	Temporarily Postponed
3	SB 1150 Bean (Identical H 1223)	Medical Tourism; Requiring Enterprise Florida, Inc., to collaborate with the Department of Economic Opportunity to market this state as a health care destination; requiring the Division of Tourism Marketing to include in its 4-year plan a discussion of the promotion of medical tourism; requiring the plan to promote national and international awareness of the qualifications, scope of services, and specialized expertise of health care providers in this state and to include an initiative to showcase qualified health care providers, etc. CM 03/17/2014 Fav/CS HP AP	Fav/CS Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Monday, March 17, 2014, 4:30 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1184 Brandes (Similar CS/CS/H 185, Compare CS/S 1272)	Self-service Gasoline Stations; Requiring full-service gasoline stations offering self-service at a lesser cost to display an additional decal; requiring the decal to contain certain information; requiring the Department of Agriculture and Consumer Services to adopt rules to implement and enforce this requirement; providing for preemption of local regulations pertaining to fueling assistance for certain motor vehicle operators, etc. CM 03/17/2014 Fav/CS AG AP	Fav/CS Yeas 11 Nays 0
5	SB 1556 Simpson (Similar CS/CS/H 489, CS/S 1032)	Mineral Rights; Requiring a seller to provide a prospective purchaser with a mineral rights disclosure summary; requiring the disclosure summary to be included in the contract for sale or attached to the contract for sale; defining the term "mineral rights", etc. CM 03/17/2014 Fav/CS JU	Fav/CS Yeas 10 Nays 0
6	SB 1654 Appropriations (Similar H 7081)	Tax Administration; Providing that charges for the storage of towed vehicles that are impounded by a local, state, or federal law enforcement agency are not taxable; providing monetary and criminal penalties for a dealer's willful failure to collect certain taxes or fees after receiving notice of such duty to collect from the Department of Revenue; subjecting a person to criminal penalties and monetary penalties for knowingly selling or engaging in certain other actions involving a sales suppression device or phantom-ware, etc. CM 03/17/2014 Fav/CS	Fav/CS Yeas 11 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Executive Director, Department of Economic Opportunity			
7	Panuccio, Jesse (Tallahassee)	Pleasure of Governor	Recommend Confirm Yeas 11 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Other Related Meeting Documents			

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Monday, March 17, 2014, 4:30 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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An electronic copy of the Appearance Request form is available to download from any Senate committee page on the Senate's website, www.flsenate.gov

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 Commerce and Tourism

BILL: CS/SB 136

INTRODUCER: Transportation Committee and Senator Ring

SUBJECT: Freight Logistics Zones

DATE: March 14, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.	Malcolm	Hrdlicka	CM	Favorable
3.			ATD	
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 136 allows a county or counties to designate a “freight logistics zone,” which is defined as a grouping of activities and infrastructure associated with freight transportation and related services within a defined area around an intermodal logistics center. The county or counties must adopt a strategic plan that includes a map depicting the geographic area or areas of the zone and identifies existing infrastructure and resources within or near the zone.

A project within a zone may be eligible for priority funding or incentives from state economic development programs under parts I, III, and V of ch. 288, F.S. Eligibility for priority status will be based on an evaluation of the project.

II. Present Situation:

The Florida Department of Transportation

The Florida Department of Transportation (FDOT) is pursuing a goal to develop a coordinated multi-modal transportation system for freight movement in Florida. It recently established the Office of Freight, Logistics, and Passenger Operations to emphasize freight mobility through the

development and implementation of a freight planning process that maximizes the use of the existing government- and privately-owned transportation resources.¹

Freight Mobility and Trade Plan

The Legislature in 2012, emphasized the importance of freight mobility to the state's economic growth by directing the FDOT to develop a Freight Mobility and Trade Plan by July 1, 2013.² The plan will assist in making freight mobility investments that contribute to the economic growth of the state and enhance the integration of the transportation system between transportation modes throughout the state.³ The plan must propose transportation-related policies and investments that promote:

- The flow of trade through the state's seaports and airports and recapture cargo shipped through seaports and airports in other states;
- The development of intermodal logistic centers in the state;
- The development of manufacturing industries in the state; and
- The implementation of compressed natural gas, liquefied natural gas, and propane energy policies that reduce transportation costs for businesses and residents in the state.⁴

The FDOT must also emphasize freight issues and needs in all appropriate transportation plans.⁵

Intermodal Logistics Center Infrastructure Program

Additionally, in 2012, the Legislature created the Intermodal Logistics Center Infrastructure Program⁶ within the FDOT to provide funds for roads, rail facilities, or other means for the shipment of goods through a seaport.⁷ The FDOT must provide up to \$5 million annually for the program and must include projects the program proposes to fund in its tentative work program, which is developed to allocate state and federal funding for transportation related projects.⁸ In selecting a project for funding, the FDOT must consider a number of statutory criteria and consult with the Department of Economic Opportunity (DEO).⁹ The FDOT must fund up to 50 percent of project costs for selected projects.¹⁰

¹ FDOT, Office of Freight Logistics and Passenger Operations, available at <http://www.dot.state.fl.us/multimodal/> (last visited Mar. 12, 2014).

² Chapter 2012-174, s. 23, L.O.F.; s. 334.044(33), F.S.

³ Section 334.044(33), F.S.; See also Florida Logistics website, available at <http://www.freightmovesflorida.com/> (last visited Mar. 14, 2014).

⁴ *Id.* at (a).

⁵ *Id.* at (b)

⁶ Section 311.101(2), F.S., defines "intermodal logistics center" as a "facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport where activities relating to transport, logistics, goods distribution, consolidation, or value-added activities are carried out and whose activities and services are designed to support or be supported by conveyance of shipping through one or more [of Florida's 17 seaports]."

⁷ Chapter 2012-174, s. 12, L.O.F.; s. 311.101(1), F.S.

⁸ See s. 339.135(4), F.S.

⁹ Section 311.101(3),(4), F.S.

¹⁰ *Id.* at (6).

Strategic Intermodal System

Lastly, in 2012, the Legislature required the FDOT Secretary to designate a planned facility as part of the Strategic Intermodal System (SIS) upon the request of the facility.¹¹ A requesting facility must meet the criteria established by the FDOT; meet the definition of “intermodal logistics center;”¹² and must have been designated in a local comprehensive plan or local government development order as an intermodal logistics center or equivalent planning term.¹³ Designation as part of the SIS makes the facility eligible to receive funding for transportation capacity improvements.¹⁴

Moving Ahead for Progress in the 21st Century Act (MAP-21)

At the federal level, in 2012, the Moving Ahead for Progress in the 21st Century Act recommended that states develop plans for the immediate and long-range planning activities and investments of the state with respect to freight.¹⁵ The act also provides up to 95 percent federal matching funds for certain projects that are identified in state freight plans and that improve the movement of freight.¹⁶

Economic Development Incentive Programs, Ch. 288, F.S.

Part I: General Provisions

Current law provides a number of economic development incentives in various forms, including tax refunds, tax credits, tax exemptions, cash grants, and infrastructure funding. The most frequently utilized incentives include the qualified target industry tax refund,¹⁷ quick action closing fund,¹⁸ brownfield redevelopment bonus refund,¹⁹ high impact performance incentive grant,²⁰ and quick response training.²¹ These incentives are administered by the DEO and are generally designed to promote job creation within certain target industries in Florida; accordingly, awards for these incentives are based on job creation, wage, and economic benefit (return on investment) projections for each entity that applies for the incentives. Additionally, recipient businesses are generally contractually required to meet specific milestones before incentive payments begin.

Part III: Foreign Trade Zones

Part III of ch. 288, F.S., authorizes any corporation or government agency to apply to the federal government to establish a foreign trade zone in or adjacent to a port of entry of the United States

¹¹ Chapter 2012-174, s. 58, L.O.F.; s. 339.63(5), F.S.

¹² *Supra* note 6.

¹³ Section 339.63(5), F.S.

¹⁴ *See* s. 339.61(1), F.S.

¹⁵ P.L. 112-141, s. 1118 (July 6, 2012).

¹⁶ *Id.* at s. 1116.

¹⁷ Section 288.106, F.S.

¹⁸ Section 288.1088, F.S.

¹⁹ Section 288.107, F.S.

²⁰ Section 288.108, F.S.

²¹ Section 288.047, F.S. For a general description of these programs and their award and performance history *see* DEO and Enterprise Florida, Inc., *2013 Annual Incentives Report* (Dec. 30, 2013) available at <http://www.floridajobs.org/business/EDP/EconomicDevelopmentIncentivesReport.pdf> (last visited Mar. 13, 2014).

pursuant to the Foreign Trade Zones Act of 1934. A foreign trade zone is a designated location where U.S.-based companies can take advantage of special procedures that delay, avoid, or reduce duties, quotas, or certain ad valorem taxes on merchandise held in the zone.²² These advantages are designed to lower the costs of U.S.-based businesses that are engaged in international trade.²³

There are currently 20 foreign trade zones in Florida, each of which is managed by a local government entity.²⁴ Beyond the authority to establish and operate a zone in accordance with federal law, part III of ch. 288, F.S., does not contain any state-level economic development incentives specifically for projects located in a foreign trade zone.

Part V: Export Finance

Part V of ch. 288, F.S., creates the Florida Export Finance Corporation (FEFC), a not-for-profit corporation, to help small and medium-sized Florida businesses expand international trade and job opportunities for Florida's workforce. While the FEFC provides information and technical and consulting assistance to certain small and medium-sized Florida exporters, its primary service is through providing loan guarantees for exported goods. The FEFC will guarantee a loan to an exporter only after a commercial lender has denied an exporter's loan request. The maximum amount of guarantee the FEFC will provide is \$500,000 and may not exceed 90 percent of the value of the loan.²⁵

The FEFC is also a member of the city/state program of the Export-Import Bank of the United States and offers Florida exporters access to U.S. government export assistance programs offered by the Ex-Im Bank and the SBA.²⁶

Beyond loan guarantees for small and medium-sized exporters and access to U.S. government export assistance programs, the FEFC does not provide any business incentives under part V of ch. 288, F.S.

III. Effect of Proposed Changes:

Section 1 creates s. 311.103, F.S., to provide for the designation of freight logistics zones in Florida. A "freight logistics zone" is defined as a grouping of activities and infrastructure associated with freight transportation and related services within a defined area around an intermodal logistics center as defined in s. 311.101(2), F.S.²⁷ A county, or two or more contiguous counties, is authorized to designate one or more geographic areas within its jurisdiction as a zone. The bill does not limit the size, number, or scope of the geographic areas that may be designated as zones.

²² U.S. International Trade Administration, U.S. Foreign Trade Zones, *What is a Foreign-Trade Zone?*, available at <http://enforcement.trade.gov/ftzpage/info/zone.html> (last visited Mar. 13, 2014).

²³ Seminole County, Economic Development, *Foreign Trade Zones*, available at <http://www.seminolecountyfl.gov/ecodev/ftz.aspx> (last visited Mar. 13, 2014).

²⁴ U.S. International Trade Administration, U.S. Foreign Trade Zones, available at <http://enforcement.trade.gov/ftzpage/letters/ftzlist-map.html#florida> (last visited Mar. 13, 2013).

²⁵ DEO and Enterprise Florida, Inc., *2013 Annual Incentives Report* at 72.

²⁶ *Id.* at 75.

²⁷ *Supra* note 6.

A strategic plan adopted by the county or counties must accompany the designation and must include a map depicting the geographic area or areas to be included within the designation. The strategic plan must also identify:

- Existing or planned freight facilities or logistics clusters within the zone;
- Existing transportation infrastructure and workforce availability within or near the zone;
- Any public workforce training providers available for a business seeking to locate or expand within the zone;
- Any local, state, or federal freight movement plans within or near the zone; and
- Local government incentives to encourage new or expanding development or redevelopment within the zone.

Lastly, the strategic plan must include documentation that it is consistent with local government comprehensive plans and, if necessary, long-range transportation plans of a metropolitan planning organization.

A project within a zone that is consistent with the FDOT's Freight and Mobility Trade Plan may be eligible for priority in state funding and incentive programs relating to zones, including applicable programs identified in parts I, III, and V of ch. 288, F.S. Current incentives under part I of ch. 288, F.S., do not provide a system of priority treatment to determine incentive awards. As explained in the Present Situation above, incentive awards are determined based on job creation, wage, and economic benefit calculations for each project. Additionally, neither foreign trade zones under part III of ch. 288, F.S., nor the FEFC under part V of ch. 288, F.S., provide state-level development incentives or funding beyond the loan guarantee program for exporters by the FEFC. The priority status of a project in a zone as provided in the bill, will likely be inapplicable for any federal government funding or incentives provided through foreign trade zones or the FEFC.

To determine funding or incentive program eligibility, a project within a zone will be evaluated based on the following criteria:

- The presence of an existing or planned intermodal logistics center within the zone.
- Whether the project serves a strategic state interest.
- Whether the project facilitates the cost-effective and efficient movement of goods.
- The extent to which the project contributes to economic activity.
- The extent to which the project efficiently interacts with and supports the transportation network.
- The amount of investment or commitments made by the owner or developer of the existing or proposed facility.
- The extent to which the county or counties have commitments with private sector businesses planning to locate operations with the zone.
- Demonstrated local financial support and commitment to the project.

It is unclear how the bill will be administered. For example, the bill does not indicate which state agency or department will evaluate projects to determine whether the project will receive priority for funding or incentives. Presumably, once a project in a zone meets eligibility requirements under any of the incentive or funding programs in parts I, III, and V of ch. 288, F.S., and also

meets the criteria for evaluating projects described above, priority of that project over other projects not within an zone is authorized. However, once a pool of eligible projects within zones is identified, no process for prioritizing projects within the pool is provided in the bill.

Section 2 provides an effective date of July 1, 2014.

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:

Indeterminate.

B. Private Sector Impact:

A business located in a zone may be eligible for priority in state funding and incentives programs related to zones. With respect to programs under part I of ch. 288, F.S., a business may be required to meet the evaluation criteria established under the bill in addition to the particular funding or incentive program's requirements under part I of ch. 288, F.S.

Additionally, the FDOT indicated that projects within zones may be given priority consideration for funding during the development of the Five-Year Tentative Work Program.²⁸

The bill may also promote growth of the freight industry and related businesses.

C. Government Sector Impact:

The impact on state agencies is indeterminate because the responsibility of the FDOT or the DEO in implementing or administering the bill is uncertain.

The bill may further the development of a coordinated multi-modal transportation system for freight movement in Florida, thereby facilitating statewide economic development.

²⁸ FDOT, *Agency Analysis of SB 136*, 4 (Oct. 9, 2013) (on file with the Committee on Commerce and Tourism).

Counties that choose to designate freight logistics zones will incur expenses, in unknown amounts, associated with creating strategic plans and designating freight logistics zones. Local government financial support and commitment, in unknown amounts, are to be identified in the required strategic plans.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 311.103 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 Transportation on November 7, 2013:

The bill authorizes designation of a geographic area or areas as a zone. Once designated, projects within the zone are to be evaluated under specified criteria. The CS clarifies that evaluation criteria applies to “projects within a designated freight logistics zone,” rather than “projects for designation as a freight logistics zone.”

- B. **Amendments:**

None.

By the Committee on Transportation; and Senator Ring

596-00649-14

2014136c1

1 A bill to be entitled
 2 An act relating to freight logistics zones; creating
 3 s. 311.103, F.S.; defining the term "freight logistics
 4 zone"; authorizing a county, or two or more contiguous
 5 counties, to designate a geographic area or areas
 6 within its jurisdiction as a freight logistics zone;
 7 requiring the adoption of a strategic plan that must
 8 include certain information; providing that certain
 9 projects within freight logistics zones may be
 10 eligible for priority in state funding and certain
 11 incentive programs; providing evaluation criteria for
 12 freight logistics zones; providing an effective date.

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

15 Section 1. Section 311.103, Florida Statutes, is created to
 16 read:

17 311.103 Designation of state freight logistics zones.-

18 (1) As used in this section, the term "freight logistics
 19 zone" means a grouping of activities and infrastructure
 20 associated with freight transportation and related services
 21 within a defined area around an intermodal logistics center as
 22 defined in s. 311.101(2).

23 (2) A county, or two or more contiguous counties, may
 24 designate a geographic area or areas within its jurisdiction as
 25 a freight logistics zone. The designation must be accompanied by
 26 a strategic plan adopted by the county or counties. At a
 27 minimum, the strategic plan must include, but is not limited to:

28 (a) A map depicting the geographic area or areas to be
 29

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30 included within the designation.

31 (b) Identification of the existing or planned freight
 32 facilities or logistics clusters located within the proposed
 33 freight logistics zone.

34 (c) Identification of existing transportation
 35 infrastructure, such as roads, rail, airports, and seaports,
 36 within or in close proximity to the proposed freight logistics
 37 zone.

38 (d) Identification of existing workforce availability
 39 within or in close proximity to the proposed freight logistics
 40 zone.

41 (e) Identification of any local, state, or federal
 42 workforce training capabilities available for a business seeking
 43 to locate or expand within the proposed freight logistics zone.

44 (f) Identification of any local, state, or federal plans,
 45 including transportation, seaport, or airport plans, concerning
 46 the movement of freight within or in close proximity to the
 47 proposed freight logistics zone.

48 (g) Identification of financial or other local government
 49 incentives to encourage new development, expansion of existing
 50 development, or redevelopment within the proposed freight
 51 logistics zone.

52 (h) Documentation that the plan is consistent with
 53 applicable local government comprehensive plans and adopted
 54 long-range transportation plans of a metropolitan planning
 55 organization, where applicable.

56 (3) A project within a freight logistics zone designated
 57 pursuant to this section which is consistent with the Freight
 58 Mobility and Trade Plan developed in accordance with s.

Page 2 of 3

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2014136c1

59 334.044(33) may be eligible for priority in state funding and
60 incentive programs relating to freight logistics zones,
61 including applicable programs identified in parts I, III, and V
62 of chapter 288.

63 (4) When evaluating projects within a designated freight
64 logistics zone to determine funding or incentive program
65 eligibility under this section, consideration must be given to
66 all of the following:

67 (a) The presence of an existing or planned intermodal
68 logistics center within the freight logistics zone.

69 (b) Whether the project serves a strategic state interest.

70 (c) Whether the project facilitates the cost-effective and
71 efficient movement of goods.

72 (d) The extent to which the project contributes to economic
73 activity, including job creation, increased wages, and revenues.

74 (e) The extent to which the project efficiently interacts
75 with and supports the transportation network.

76 (f) The amount of investment or commitments made by the
77 owner or developer of the existing or proposed facility.

78 (g) The extent to which the county or counties have
79 commitments with private sector businesses planning to locate
80 operations within the freight logistics zone.

81 (h) Demonstrated local financial support and commitment to
82 the project.

83 Section 2. This act shall take effect July 1, 2014.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Governmental Oversight and Accountability, *Chair*
Appropriations Subcommittee on Finance and
Tax, *Vice Chair*
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Commerce and Tourism
Judiciary
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR JEREMY RING

29th District

November 8, 2013

Honorable Senator Nancy C. Detert
416 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairwoman Detert,

I am writing to respectfully request your cooperation in placing Senate Bill 136, relating to Freight Logistic Zones on the Commerce and Tourism agenda at your earliest convenience. I would greatly appreciate the opportunity to discuss the bill at greater length before your committee.

Thank you in advance for your assistance. As always, please do not hesitate to contact me with any questions or comments you may have.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring
Senator District 29

cc:Jennifer Hrdlicka

REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/2014

Meeting Date

Topic Freight Logistics Zones

Bill Number 136

(if applicable)

Name Leticia M Adams

Amendment Barcode _____

(if applicable)

Job Title Senior Policy Director

Address 136 South Bronough Street

Phone 850-544-6866

Street

Tallahassee

FL

32301

City

State

Zip

E-mail ladams@flchamber.com

Speaking: For Against Information

Representing Florida 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date 3/17/2014

Topic _____ Bill Number 136 (if applicable)

Name BRIAN PITTS Amendment Barcode _____ (if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH Phone 727-897-9291

Street SAINT PETERSBURG State FLORIDA Zip 33705
City

Speaking: For Against Information

Representing JUSTICE-2-JESUS

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

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

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

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 Commerce and Tourism

BILL: SB 970

INTRODUCER: Senator Hays

SUBJECT: Employment of Veterans

DATE: March 14, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ryon</u>	<u>Ryon</u>	<u>MS</u>	Favorable
2.	<u>Siples</u>	<u>Hrdlicka</u>	<u>CM</u>	Pre-meeting

I. Summary:

SB 970 authorizes, but does not require, a private sector employer to establish a voluntary veterans' preference in employment process for an honorably discharged veteran or the spouse of a service-disabled veteran.

II. Present Situation:

In the United States there are over 21 million veterans, of which, over 1.5 million reside in Florida.¹ Approximately 75 percent of Florida's veteran population are wartime veterans, including more than 231,000 veterans of the Afghanistan and Iraq wars and 498,000 Vietnam-era veterans. There are 187,000 military retirees who call Florida home.² The national unemployment rate for nonveterans 18 and over for 2013 was 7.2 percent.³ The total unemployment rate among veterans was 6.6 percent for the same period; however, for those who have served in the armed forces during Gulf War era II, the unemployment rate was 9 percent.⁴

For the purpose of obtaining state benefits, Florida law defines the term "veteran" to mean a person who has served in the active military and who has been honorably discharged or released

¹ U.S. Census Bureau, State & County Quick Facts, Florida, available at <http://quickfacts.census.gov/qfd/states/12000.html> (last visited Mar. 10, 2014).

² Florida Department of Veterans' Affairs, Fast Facts, available at http://floridavets.org/?page_id=50 (last visited on Mar. 10, 2014). Additionally, Florida is home to 160,000 women veterans, 164,000 World War II Veterans, and 249,000 disabled veterans.

³ U.S. Department of Labor, Bureau of Labor Statistics, Data Retrieval: Labor Force Statistics (CPS), available at <http://www.bls.gov/webapps/legacy/cpsatab5.htm> (last visited Mar. 10, 2014). To retrieve this data, select total unemployment rate for nonveterans, 18 years and over.

⁴ U.S. Department of Labor, Bureau of Labor Statistics, Data Retrieval: Labor Force Statistics (CPS), available at <http://www.bls.gov/webapps/legacy/cpsatab5.htm> (last visited Mar. 10, 2014). To retrieve this data, select the total unemployment rate for veterans, 18 years and over and the total unemployment rate for Gulf War-era II veterans. Gulf War era II includes veterans who served on active duty from September 2001 to present.

from active duty under honorable conditions.⁵ Additionally, Florida law defines “service-disabled veteran” to mean a permanent Florida resident with a service-connected disability, as determined by the U.S. Department of Veterans Affairs, or who has been terminated from military service by reason of disability by the U.S. Department of Defense.⁶ A disability is determined to be service-connected if the disability was incurred or aggravated in the line of duty in the active military service.⁷ There are approximately 249,000 service-disabled veterans living in Florida.⁸

Florida has a large active-duty military population with more than 61,000 military personnel and 12,000 Florida National Guard members. Another 25,000 civilian personnel are directly associated with the military presence in Florida.⁹

Florida’s military installations and defense businesses provide a \$73 billion annual economic impact, and account for more than 758,000 jobs in Florida, representing the third largest sector of the state economy after agriculture and tourism.¹⁰

Veterans’ Preference in Public Employment

The federal government and nearly all of the states provide preference to veterans to address employment needs of veterans. The forms of veterans’ preference vary, but generally pertain to preference in appointment, promotion, and retention, and provide additional employment protections not accorded to nonveterans.

The federal government provides preference over nonveterans in hiring and retention to an honorably discharged veteran who served on active duty during specified periods, served in a military campaign, has a service-connected disability, or is a Purple Heart recipient. Preference is also given to spouses, widows or widowers, and mothers of such individuals when the veteran is unable to use the preference.¹¹

Florida law requires all state government entities, counties, cities, towns, villages, special tax school districts, and special districts (government employers) to grant employment preference in hiring and retention¹² to the following persons:¹³

- A veteran with a service-connected disability;

⁵ Section 1.01(14), F.S.

⁶ Section 295.187(3)(b), F.S.

⁷ 38 U.S.C. s. 101(16).

⁸ See *supra* note 2.

⁹ Enterprise Florida, Inc. (EFI), *Florida Defense Factbook*, January 2013, available at <http://www.floridadefense.org/documents/HAAS%20Study%202013/Factbook%202013%20FINAL.pdf> (last visited on Mar. 10, 2014).

¹⁰ EFI, *Florida’s Military Profile*, (Sept. 2013), available at http://www.enterpriseflorida.com/wp-content/uploads/Military_Install_Map1.pdf (last visited Mar. 10, 2014).

¹¹ 5 U.S.C. s. 2108. See also Office of Personnel Management, *Feds Hire Vets, Veterans’ Preference*, available at <http://www.fedshirevets.gov/job/vetpref/index.aspx>, and Family Member Preference (Derived Preference), available at <http://www.fedshirevets.gov/job/familypref/index.aspx> (last visited Mar. 12, 2014).

¹² Section 295.07(4)(b), F.S., exempts certain positions from the veterans’ preference requirement such as persons employed on a temporary basis without benefits, heads of departments, positions that require licensure as a physician, and positions which require membership in the Florida Bar.

¹³ Section. 295.07(1)(a)-(d), F.S.

- The spouse of a veteran who has a permanent and total service-connected disability that prevents the veteran from qualifying for employment;
- The spouse of a military service member who is missing in action, was captured in the line of duty by a hostile force, or was forcibly detained or interned in the line of duty by a foreign government or power;
- A wartime veteran¹⁴ who was honorably discharged; and
- The unremarried widow or widower of a veteran who died as a result of a service-connected disability.

Florida's veterans' preference provisions define a tiered point system in which points (5 points or 10 points) are added to the final score of the examination used to determine qualification for employment.¹⁵ For positions in which an examination is not used to determine eligibility, first or second preference in appointment is provided to applicants depending on their status that qualifies them for veterans' preference.¹⁶

Unlike government employers, private employers in Florida are not required to comply with veterans' preference requirements.

Veterans' Preference in Private Employment

While the majority of states grant some form of employment preference to veterans in the public sector, private employers have been hesitant to favor veterans due to long-standing federal laws that prohibit discrimination in hiring.¹⁷ Title VII of the Civil Rights Act of 1964 (act), as amended, prohibits veterans' preference in employment as unlawfully discriminatory due to the potential disparate impact on women.¹⁸ However, the act contains an exception that provides that veterans' preferences permitted pursuant to federal, state, or local law are not subject to challenge under Title VII.¹⁹

¹⁴ Section 1.01(14), F.S. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or a veteran must have served during one of the following periods of wartime service: (a) Spanish-American War, including the Philippine Insurrection and the Boxer Rebellion; (b) Mexican Border Period; (c) World War I; (d) World War II; (e) Korean Conflict; (f) Vietnam Era; (g) Persian Gulf War; (h) Operation Enduring Freedom; and (i) Operation Iraqi Freedom.

¹⁵ Section 295.08, F.S. Ten points are given to an individual with a service-connected disability or the spouse of an individual with a service-connected disability or whose spouse is missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power. Five points is given to an individual who is a wartime veteran or the unremarried widow or widower or a veteran who died as the result of a service-connected disability.

¹⁶ Section 295.085, F.S. An individual must meet the minimum qualifications for the position for which he or she is applying. First preference is given to an individual with a service-connected disability or the spouse of an individual with a service-connected disability or whose spouse is missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power. Second preference is given to an individual who is a wartime veteran or the unremarried widow or widower or a veteran who died as the result of a service-connected disability.

¹⁷ Jennifer Schultz, National Conference of State Legislatures, *Giving Veterans Hiring Preference*, LegisBrief, Vol. 21, No. 46, (December 2013) (on file with the Senate Commerce and Tourism Committee).

¹⁸ U.S. Equal Employment Opportunity Commission, "Policy Guidance on Veterans' Preference under Title VII," Aug. 10, 1990, available at http://www.eeoc.gov/policy/docs/veterans_preference.html (last visited Mar. 10, 2014).

¹⁹ *Id.* 42 U.S.C. s. 2000e-11. However, the preference may be challenged when evidence shows disparate treatment in its application.

Since 2011, four states have enacted statutes that allow private employers to create voluntary veterans' preference policies: Washington, Minnesota, Arkansas, and North Dakota.²⁰

III. Effect of Proposed Changes:

SB 970 creates s. 295.188, F.S., to authorize, but not require, a private sector employer to establish a voluntary veterans' preference in employment for an honorably discharged veteran or the spouse of a service-disabled veteran. The bill also states that these provisions do not violate any state or local equal employment opportunity law.

The bill has an effective date of July 1, 2014.

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:

Veteran or other persons authorized under this bill seeking employment may benefit from private employers who implement a plan that provides preferential treatment of veterans in hiring and retention practices.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

²⁰ See *supra* note 18.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 295.188 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Hays

11-01022-14

2014970__

1 A bill to be entitled
2 An act relating to employment of veterans; creating s.
3 295.188, F.S.; authorizing a private employer to give
4 priority in its hiring practices to certain wartime
5 veterans and spouses of service-disabled veterans;
6 providing for applicability; providing an effective
7 date.
8
9 Be It Enacted by the Legislature of the State of Florida:
10
11 Section 1. Section 295.188, Florida Statutes, is created to
12 read:
13 295.188 Employment of veterans.-
14 (1) A private employer may give priority in its hiring
15 practices to an eligible person who is:
16 (a) An honorably discharged veteran, as defined in s.
17 1.01(14); or
18 (b) The spouse of a service-disabled veteran, as defined in
19 s. 295.187(3) (b).
20 (2) This section does not violate any state or local equal
21 employment opportunity law.
22 Section 2. This act shall take effect July 1, 2014.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ALAN HAYS
11th District

COMMITTEES:

Appropriations Subcommittee on General Government, *Chair*
Children, Families, and Elder Affairs, *Vice Chair*
Governmental Oversight and Accountability, *Vice Chair*
Appropriations
Appropriations Subcommittee on Criminal and Civil Justice
Banking and Insurance
Commerce and Tourism

JOINT COMMITTEES:

Joint Select Committee on Collective Bargaining, *Co-Chair*
Joint Legislative Auditing Committee
Joint Legislative Budget Commission

MEMORANDUM

To: Senator Nancy Detert, Chair
Commerce and Tourism Committee
CC: Jennifer Hrdlicka, Staff Director
Patty Blackburn, Committee Administrative Assistant

From: Senator D. Alan Hays

Subject: Request to agenda SB 970 – Employment of Veterans

Date: March 6, 2014

I respectfully request that you agenda the above referenced bill at your earliest convenience. If you have any questions regarding this legislation, I welcome the opportunity to meet with you one-on-one to discuss it in further detail. Thank you so much for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "D. Alan Hays, DMD".

D. Alan Hays, DMD
State Senator, District 11

REPLY TO:

- 871 South Central Avenue, Umatilla, Florida 32784-9290 (352) 742-6441
- 320 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011
- 1104 Main Street, The Villages, Florida 32159 (352) 360-6739 FAX: (352) 360-6748
- 685 West Montrose Street, Suite 110, Clermont, Florida 34711 (352) 241-9344 FAX: (888) 263-3677

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
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 Commerce and Tourism

BILL: CS/SB 1150

INTRODUCER: Commerce and Tourism Committee and Senator Bean

SUBJECT: Medical Tourism

DATE: March 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Askey	Hrdlicka	CM	Fav/CS
2.			HP	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1150 directs Enterprise Florida, Inc., and the Florida Tourism Industry Marketing Corporation (Visit Florida) to promote medical tourism and market the state as a healthcare destination.

Visit Florida is required to include medical tourism in the 4-year marketing plan and showcase Florida providers. The bill allocates \$3.5 million annually from the appropriation for Visit Florida in the General Appropriations Act (GAA) for this purpose.

The bill also requires Visit Florida to create a matching grant program for local and regional economic development organizations to create targeted medical tourism marketing initiatives. The bill allocates \$1.5 million annually from the appropriation for Visit Florida in the GAA to be used for this purpose.

II. Present Situation:

Medical Tourism

Medical tourism is a term used to describe when consumers travel to receive medical treatment. Traditionally, the term meant to travel across international boundaries but consumer travel across state lines has increased and is referred to as domestic medical tourism. Medical tourism can include sophisticated treatments such as cardiac surgery and orthopedics, as well as elective or

routine procedures for dental care or cosmetic surgeries. Medical tourism seems to be occurring for a variety of reasons including the globalization of healthcare services and increases in geriatric populations in the United States and Europe. The industry has “medical tourism facilitators” that market medical tourism “models” to consumers. The function of facilitators is comparable to travel agents and presents legal uncertainties in the interaction between facilitators and providers.

Medical tourism occurs for a variety of reasons. Consumer preference in medical care will depend on factors that a consumer normally applies when purchasing a good. These factors can include cost, income, substitutions, or complimentary goods. Due to the size and scope of the healthcare industry, there is no one “trend” in medical tourism. A recent report by the National Institute for Health Research found that both inward and outward medical tourism had increased in the United Kingdom.¹ The report identifies inward medical tourism as consumers from other countries seeking medical services in the U.K. and outward medical tourism as consumers leaving the U.K. to seek medical services elsewhere. The results from this report also highlighted several other factors that make general “trends” in medical tourism difficult to define. The report found that:

- Economic implications of medical tourism are not uniform;
- The medical tourism industry is almost entirely unregulated and there are potential risks to the consumer;
- Existing information is variable and there is no authoritative source of information;
- Medical tourists are a heterogeneous group of all ages and a range of socio-demographic groups;
- Tourists lack information and appear to make uninformed decisions without considering all associated risks;
- Tourists seem to make use of informal treatment-based or cultural networks to make their decisions;
- Patients are travelling to further or “new” markets in medical tourism; and
- Cost is never a sole motivator and often not the primary motivation for seeking treatment abroad.²

Additionally, the report concluded that more research was needed to:

- Better understand the health and social outcomes of treatment for those who travel for medical treatment;
- Generate more robust data that better capture the size and flows of medical tourism;
- Gather more information on patients including their origins, procedures, and outcomes;
- Allow for the development of better economic costing; and
- Explore the issues of clinical relationships and networks.³

¹National Institute for Health Research, *Implications for the NHS of inward and outward medical tourism; a policy and economic analysis using literature review and mixed-methods approaches* (February 2014), available at: <http://www.journalslibrary.nihr.ac.uk/hsdr/volume-2/issue-2> (Last visited March 12, 2014).

² *Id.*

³ *Id.*

Medical tourism can have political obstacles as well. While inward medical tourism is seen as an opportunity for economic growth, outward medical tourism has been criticized as an admission of domestic healthcare policy failure.⁴

Medical tourism is often presented as a way to lower costs for medical treatment. Cost savings is an incentive for some employers to adopt domestic medical tourism practices within the United States. Changes to healthcare law in the United States has brought medical treatment cost disparity into the spotlight. In May 2013, NPR reported on data released by the Federal Department of Health and Human Services on hospital charges for treatment of Medicare patients.⁵ NPR reported that there were large differences in the costs of the 100 most common treatments that require hospitalization. Differences occurred across states and hospitals miles from each other. The differences in cost ranged in multiples of 5 to 40. Similar reports reported supporting examples including a joint replacement procedure that cost \$297,000 at Centinela Hospital and \$84,000 at St. John's Health Center, two California hospitals about 12 miles apart.⁶ The reports suggest similar levels of disparity in costs to private insurers and uninsured patients.

Healthcare in Florida

Florida is the fourth largest state in terms of population with an estimated 19.5 million people. According to a report by the Wall Street Journal, Florida paid an average of \$7,156 per person on healthcare in 2009.⁷ The largest portions of that amount was spent on hospital care (\$2,207) and physician/clinical services (\$1,950). The U.S. average for the same time period was \$6,815 per person. In Florida there are currently licensed: 301 hospitals,⁸ 1,987 health care clinics,⁹ 45,939 medical doctors, 10,445 dentists, 203,648 registered nurses, 20,850 pharmacists, and various other licensed practitioners totaling 863,270.¹⁰

Tourism in Florida

Visit Florida is the state's public/private partnership for tourism marketing. Enterprise Florida, Inc. (EFI), contracts with Visit Florida to promote the state for tourism. EFI's Division of Tourism Marketing supports Visit Florida in its activities. Visit Florida is also required to adopt a 4-year tourism marketing plan.¹¹ According to Visit Florida, tourism in Florida was responsible for 91.5 million tourists in 2012 who spent more than \$71.8 billion, generated 23 percent of the

⁴The Economist, *Médecine avec frontières: Why health care has failed to globalize* (February 15, 2014), available at: <http://www.economist.com/news/international/21596563-why-health-care-has-failed-globalise-m-decine-avec-fronti-res> (Last visited March 12, 2014).

⁵ NPR, *Government Data Reveals Wild Disparity in Health Care Costs* (May 8, 2013), available at: <http://www.npr.org/templates/story/story.php?storyId=182337915> (Last visited March 12, 2014).

⁶ Christian Science Monitor, *New report reveals stunning disparities in health-care costs* (May 8, 2013), available at: <http://www.csmonitor.com/Business/2013/0508/New-report-reveals-stunning-disparities-in-health-care-costs> (Last visited March 12, 2014).

⁷The Wall Street Journal, *Health-Care Costs: A State-by-State Comparison* (April 8, 2013), available at: <http://online.wsj.com/news/articles/SB10001424127887323884304578328173966380066> (Last visited March 12, 2014).

⁸Florida Agency for Health Care Administration, available at: <http://www.floridahealthfinder.gov/facilitylocator/ListFacilities.aspx> (Last visited March 12, 2014).

⁹ *Id.*

¹⁰ Florida Dept. of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan: FY 2012-2013*, (December 31, 2013).

¹¹ Section 288.923(4), F.S., sets forth the plan requirements.

state's sales tax revenue and employed more than one million Floridians.¹² The Fiscal Year 2013-14 General Appropriations Act appropriated over \$63 million to Visit Florida.¹³ Visit Florida raises matching funds from the private sector, and in 2012 achieved an almost 2:1 ratio, dollar per dollar.¹⁴

III. Effect of Proposed Changes:

Section 1 amends s. 288.901, F.S., to direct EFI to market the state as a health care destination and to promote quality health care services in Florida.

Section 2 amends s. 288.923, F.S., to include the promotion of medical tourism as a part of Visit Florida's 4-year tourism marketing plan.

Section 3 creates s. 288.924, F.S., to set forth requirements for a medical tourism marketing plan and creates a matching grant program to support local medical tourism marketing.

The bill requires Visit Florida to include specific initiatives to advance Florida as a healthcare destination within the 4-year marketing plan. The marketing plan must:

- Promote national and international awareness of the qualifications, scope of services, and specialized healthcare expertise of providers in Florida;
- Promote national and international awareness of medical conferences, training, and other business opportunities to attract medical practitioners to the state; and
- Include an initiative that showcases select qualified providers offering bundled healthcare packages and support services.

The showcased providers must be selected through a solicitation of proposals from licensed providers for plans. The plans should include available services, provider qualifications, logistic arrangements, and other services and amenities to be provided to patients and their families. Single proposals may include offers made through a network of providers.

Visit Florida shall assess the qualifications and credentials of providers submitting proposals. To the extent funding is available, all qualified providers must be selected to be in the showcase.

To be qualified for the showcase, a provider must:

- Ensure that all providers in a proposal must have full, active, and unencumbered Florida licenses;
- Unconditional accreditation from a nationally recognized accrediting body;
- Be recognized as a Cancer Center of Excellence¹⁵ or have a current national or international recognition in a specialty area; and
- Meet other criteria established by Visit Florida in collaboration with the Florida Agency for Health Care Administration (AHCA) and the Department of Health.

¹²Visit Florida, available at: <http://www.visitflorida.com/en-us/about-visit-florida.html> (Last visited March 12, 2014).

¹³ Fiscal Year 2013-14 General Appropriations Act, Line Item 2228, ch. 2013-40, L.O.F.

¹⁴Visit Florida, available at: <http://www.visitflorida.com/en-us/about-visit-florida.html> (Last visited March 12, 2014).

¹⁵ Section 381.925, F.S.

Visit Florida is also required to create a matching grant program to provide funding to local or regional economic development organizations for targeted medical tourism marketing initiatives. The initiatives must promote Florida as a destination for healthcare service. Providers involved in the local initiative must meet the criteria specified for qualified providers in the showcase. The local or regional economic development organization must show an ability to involve a variety of businesses to collaboratively welcome and support patients and their families who travel to Florida for medical services. The cash or in-kind services available from the local or regional economic development board must be at least equal to the amount of state financial support.

The bill requires \$3.5 million of the funds appropriated in the GAA to Visit Florida to be allocated annually for the development and implementation of the medical tourism marketing plan. An additional \$1.5 million must be allocated annually for the matching grant program.

Section 4 provides an effective date of July 1, 2014.

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:

Indeterminate.

C. Government Sector Impact:

The bill does not appropriate any additional funds. The bill allocates \$5 million annually from the appropriations in the GAA to Visit Florida to implement s. 288.924, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 288.901 and 288.923.

This bill creates section 288.924 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 Committee on Commerce and Tourism on March 17, 2014:

The committee substitute requires that Visit Florida also include promoting medical conferences, training, and other business opportunities to attract medical practitioners to the state in the 4-year tourism marketing plan. The committee substitute removes the application deadline and requirement of equal division of funds related to the matching grant program.

- B. **Amendments:**

None.



156714

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Bean) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete line 101

4 and insert:

5 (b) Promote national and international awareness of
6 medical-related conferences, training, or other business
7 opportunities to attract practitioners from the medical field to
8 destinations in this state.

9 (c) Include an initiative that showcases selected,



156714

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

And the title is amended as follows:

 Delete line 12

and insert:

 expertise of health care providers in this state, to
 promote national and international awareness of
 certain business opportunities to attract
 practitioners to destinations in this state, and



319040

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Bean) recommended the following:

Senate Amendment

Delete lines 141 - 155
and insert:
a destination for quality health care services. Selection of recipients of a matching grant shall be based on the following criteria:

(a) The providers involved in the local initiative must meet the criteria specified in subsection (1).

(b) The local or regional economic development organization



319040

11 must demonstrate an ability to involve a variety of businesses
12 in a collaborative effort to welcome and support patients and
13 their families who travel to this state to obtain medical
14 services.

15 (c) The cash or in-kind services available from the local
16 or regional economic development organization must be at least
17 equal to the amount of available state financial support.

By Senator Bean

4-01333A-14

20141150__

1 A bill to be entitled
 2 An act relating to medical tourism; amending s.
 3 288.901, F.S.; requiring Enterprise Florida, Inc., to
 4 collaborate with the Department of Economic
 5 Opportunity to market this state as a health care
 6 destination; amending s. 288.923, F.S.; requiring the
 7 Division of Tourism Marketing to include in its 4-year
 8 plan a discussion of the promotion of medical tourism;
 9 creating s. 288.924, F.S.; requiring the plan to
 10 promote national and international awareness of the
 11 qualifications, scope of services, and specialized
 12 expertise of health care providers in this state and
 13 to include an initiative to showcase qualified health
 14 care providers; requiring a specified amount of funds
 15 appropriated to the Florida Tourism Industry Marketing
 16 Corporation to be allocated for the medical tourism
 17 marketing plan; requiring the Florida Tourism Industry
 18 Marketing Corporation to create a matching grant
 19 program; specifying criteria for the grant program;
 20 requiring that a specified amount of funds
 21 appropriated to the Florida Tourism Industry Marketing
 22 Corporation be allocated for the grant program;
 23 providing an effective date.

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

26
 27 Section 1. Subsection (2) of section 288.901, Florida
 28 Statutes, is amended to read:
 29 288.901 Enterprise Florida, Inc.-

Page 1 of 6

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

4-01333A-14

20141150__

30 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the
 31 economic development organization for the state, using ~~utilizing~~
 32 private sector and public sector expertise in collaboration with
 33 the department to:
 34 (a) Increase private investment in Florida;
 35 (b) Advance international and domestic trade opportunities;
 36 (c) Market the state both as a probusiness location for new
 37 investment and as an unparalleled tourist destination;
 38 (d) Revitalize Florida's space and aerospace industries,
 39 and promote emerging complementary industries;
 40 (e) Promote opportunities for minority-owned businesses;
 41 (f) Assist and market professional and amateur sport teams
 42 and sporting events in Florida; ~~and~~
 43 (g) Assist, promote, and enhance economic opportunities in
 44 this state's rural and urban communities; and
 45 (h) Market the state as a health care destination by using
 46 the medical tourism initiatives as described in s. 288.924 to
 47 promote quality health care services in this state.
 48 Section 2. Paragraph (c) of subsection (4) of section
 49 288.923, Florida Statutes, is amended to read:
 50 288.923 Division of Tourism Marketing; definitions;
 51 responsibilities.—
 52 (4) The division's responsibilities and duties include, but
 53 are not limited to:
 54 (c) Developing a 4-year marketing plan.
 55 1. At a minimum, the marketing plan shall discuss the
 56 following:
 57 a. Continuation of overall tourism growth in this state.
 58 b. Expansion to new or under-represented tourist markets.

Page 2 of 6

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

4-01333A-14

20141150__

- 59 c. Maintenance of traditional and loyal tourist markets.
 60 d. Coordination of efforts with county destination
 61 marketing organizations, other local government marketing
 62 groups, privately owned attractions and destinations, and other
 63 private sector partners to create a seamless, four-season
 64 advertising campaign for the state and its regions.
 65 e. Development of innovative techniques or promotions to
 66 build repeat visitation by targeted segments of the tourist
 67 population.
 68 f. Consideration of innovative sources of state funding for
 69 tourism marketing.
 70 g. Promotion of nature-based tourism and heritage tourism.
 71 h. Promotion of medical tourism, as provided under s.
 72 288.924.
 73 i. ~~h.~~ Development of a component to address emergency
 74 response to natural and manmade disasters from a marketing
 75 standpoint.
 76 2. The plan shall be annual in construction and ongoing in
 77 nature. Any annual revisions of the plan shall carry forward the
 78 concepts of the remaining 3-year portion of the plan and
 79 consider a continuum portion to preserve the 4-year timeframe of
 80 the plan. The plan also shall include recommendations for
 81 specific performance standards and measurable outcomes for the
 82 division and direct-support organization. The department, in
 83 consultation with the board of directors of Enterprise Florida,
 84 Inc., shall base the actual performance metrics on these
 85 recommendations.
 86 3. The 4-year marketing plan shall be developed in
 87 collaboration with the Florida Tourism Industry Marketing

Page 3 of 6

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

4-01333A-14

20141150__

- 88 Corporation. The plan shall be annually reviewed and approved by
 89 the board of directors of Enterprise Florida, Inc.
 90 Section 3. Section 288.924, Florida Statutes, is created to
 91 read:
 92 288.924 Medical tourism.-
 93 (1) MEDICAL TOURISM MARKETING PLAN.-The Division of Tourism
 94 Marketing shall include within the 4-year marketing plan
 95 required under s. 288.923(4)(c) specific initiatives to advance
 96 this state as a destination for quality health care services.
 97 The plan must:
 98 (a) Promote national and international awareness of the
 99 qualifications, scope of services, and specialized expertise of
 100 health care providers throughout this state; and
 101 (b) Include an initiative that showcases selected,
 102 qualified providers offering bundled packages of health care and
 103 support services for defined care episodes. The selection of
 104 providers to be showcased must be conducted through a
 105 solicitation of proposals from Florida hospitals and other
 106 licensed providers for plans that describe available services,
 107 provider qualifications, and special arrangements for food,
 108 lodging, transportation, or other support services and amenities
 109 that may be provided to visiting patients and their families. A
 110 single health care provider may submit a proposal describing the
 111 available health care services that will be offered through a
 112 network of multiple providers and explaining any support
 113 services or other amenities associated with the care episode.
 114 The Florida Tourism Industry Marketing Corporation shall assess
 115 the qualifications and credentials of providers submitting
 116 proposals. To the extent funding is available, all qualified

Page 4 of 6

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

4-01333A-14 20141150__

117 providers shall be selected to be showcased in the initiative.

118 To be qualified, a health care provider must:

119 1. Have a full, active, and unencumbered Florida license
120 and ensure that all health care providers participating in the
121 proposal have full, active, and unencumbered Florida licenses;

122 2. Have a current accreditation that is not conditional or
123 provisional from a nationally recognized accrediting body;

124 3. Be recognized as a Cancer Center of Excellence under s.
125 381.925 or have a current national or international recognition
126 in another specialty area, if such recognition is given through
127 a specific qualifying process; and

128 4. Meet other criteria as determined by the Florida Tourism
129 Industry Marketing Corporation in collaboration with the Agency
130 for Health Care Administration and the Department of Health.

131 (2) ALLOCATION OF FUNDS FOR MARKETING PLAN.—Annually, at
132 least \$3.5 million of the funds appropriated in the General
133 Appropriations Act to the Florida Tourism Industry Marketing
134 Corporation shall be allocated for the development and
135 implementation of the medical tourism marketing plan.

136 (3) MEDICAL TOURISM MATCHING GRANTS.—The Florida Tourism
137 Industry Marketing Corporation shall create a matching grant
138 program to provide funding to local or regional economic
139 development organizations for targeted medical tourism marketing
140 initiatives. The initiatives must promote and advance Florida as
141 a destination for quality health care services.

142 (a) Selection of recipients of a matching grant shall be
143 based on the following criteria:

144 1. The providers involved in the local initiative must meet
145 the criteria specified in subsection (1).

4-01333A-14 20141150__

146 2. The local or regional economic development organization
147 must demonstrate an ability to involve a variety of businesses
148 in a collaborative effort to welcome and support patients and
149 their families who travel to this state to obtain medical
150 services.

151 3. The cash or in-kind services available from the local or
152 regional economic development organization must be at least
153 equal to the amount of available state financial support.

154 (b) Proposals must be submitted by November 1 of each year.
155 Funds must be equally divided among all selected applicants.

156 (4) ALLOCATION OF FUNDS FOR MATCHING GRANTS.—Annually, at
157 least \$1.5 million of the funds appropriated in the General
158 Appropriations Act to the Florida Tourism Industry Marketing
159 Corporation shall be allocated for the matching grant program.

160 Section 4. This act shall take effect July 1, 2014.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Appropriations
Appropriations Subcommittee on Education
Appropriations Subcommittee on Health
and Human Services
Commerce and Tourism
Communications, Energy, and Public Utilities
Governmental Oversight and Accountability

SELECT COMMITTEE:

Select Committee on Patient Protection
and Affordable Care Act

SENATOR AARON BEAN

4th District

February 28, 2014

The Honorable Nancy Detert
Chair, Commerce & Tourism Committee
416 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Detert:

This letter is to request to have my bill *SB 1150 relating to Medical Tourism* be heard at the next possible committee meeting. If there is any other information needed please do not hesitate to contact me. Thank you for your consideration.

Respectfully,

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

Aaron Bean
State Senator, 4th District

Cc: Jennifer Hrdlicka, Staff Director
Patty Blackwell, Committee Administrative Assistant

/jk

REPLY TO:

- 1919 Atlantic Boulevard, Jacksonville, Florida 32207 (904) 346-5039 FAX: (888) 263-1578
- 302 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004 FAX: (850) 410-4805

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/14
Meeting Date

Topic Medical Tourism

Name Layne Smith

Job Title Director, Govt. Relations

Address 4500 San Pablo Rd

Jacksonville FL 32224
Street City State Zip

Speaking: For Against Information
Representing Mays Clinic

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

Bill Number 1150
(if applicable)

Amendment Barcode _____
(if applicable)

Phone 904.343.3213

E-mail Smith.layne@mays.edu

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/2014

Meeting Date

Topic Medical Tourism

Bill Number 1150

(if applicable)

Name Leticia M Adams

Amendment Barcode _____

(if applicable)

Job Title Senior Policy Director

Address 136 South Bronough Street

Phone 850-544-6866

Street

Tallahassee

FL

32301

City

State

Zip

E-mail ladams@fchamber.com

Speaking: For Against Information

Representing Florida 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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/17/2014
Meeting Date

Topic Medical Tourism

Bill Number SB 1150

(if applicable)

Name Ellen Anderson

Amendment Barcode _____

(if applicable)

Job Title V.P. State Advocacy

Address 3016 East College Ave.

Phone 222-9800

Street Talpanasse State FL Zip 32301

E-mail ellena@fna.org

Speaking: For Against Information

Representing FL Hospital Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/17/2014

Meeting Date

Topic _____

Bill Number 1150 (if applicable)

Name BRIAN PITTS

Amendment Barcode _____ (if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

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

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

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

The Florida Senate
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 Commerce and Tourism

BILL: SB 1184

INTRODUCER: Senator Brandes

SUBJECT: Self-service Gasoline Stations

DATE: March 14, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Malcolm	Hrdlicka	CM	Pre-meeting
2.			AG	
3.			AP	

I. Summary:

SB 1184 requires full-service gas stations that also offer self-service gas at a lower cost to display a blue, 15 square inch decal that displays the international symbol of accessibility, the gas station’s telephone number, and the words “Call for Assistance.” This requirement will be implemented and enforced by the Department of Agriculture and Consumer Services.

The bill also preempts local laws relating to fueling assistance for disabled individuals by self-service gas stations.

II. Present Situation:

According to the Department of Agriculture and Consumer Services (DACS), there are 8,000 retail gas stations in Florida.¹ People with disabilities may find it difficult or impossible to use the controls, hose, or nozzle of a self-service gas pump. As a result, at stations that offer both self and full-service, people with disabilities might have no choice but to purchase the more expensive gas from a full-service pump. At locations with only self-service pumps, people with disabilities might be unable to purchase gas at all.² State, federal, and local laws have attempted to address these problems.

Florida Fueling Assistance Requirements

Approximately 350 gasoline stations in Florida provide full-service as well as self-service fuel at a lower price.³ Under s. 526.141(5), F.S., these stations, known as “limited full-service” stations, are required to provide refueling assistance for the self-service portion of the station to any

¹ DACS, *Agency Analysis: SB 1184* (Feb. 27, 2014) (on file with the Committee on Commerce and Tourism)..

² Department of Justice, Civil Rights Division, Disability Rights Section, *ADA Business Brief: Assistance at Gas Stations* (June 2002) available at <http://www.ada.gov/gasbrscr.pdf> (last visited Mar. 11, 2014).

³ DACS, *Agency Analysis*.

motorist displaying an exemption parking permit or a license plate bearing the international accessibility symbol when the operator of the vehicle is the person to whom such permit was issued. Limited full-service stations must prominently display a decal up to 8 square inches in size on the front of all self-service pumps clearly stating the assistance requirements and the penalties for any violations. This section is enforced by the DACS and compliance is monitored through routine gas station inspections.⁴ A violation of this section is a second-degree misdemeanor.⁵ There are currently no similar state-level requirements for self-service only gas stations.

Americans with Disabilities Act Assistance Requirements

The Americans with Disabilities Act (ADA) requires self-service gas stations to provide equal access to their customers with disabilities. Gas stations with more than one employee must provide refueling assistance upon the request of an individual with a disability without any charge beyond the self-service price. Gas stations must let patrons know (e.g., through appropriate signs) that customers with disabilities can obtain refueling assistance by either honking or otherwise signaling an employee. However, a service station or convenience store is not required to provide such service at any time that it is operating on a remote control basis with a single employee, but is encouraged to do so, if feasible.⁶

Local Government Fueling Assistance Regulations

Local governments have begun passing regulations with respect to fueling assistance for disabled drivers. For example, in early 2012, Broward and Hillsborough counties enacted similar ordinances requiring full-service gas stations and self-service gas stations with two or more attendants on duty to provide fueling assistance to a disabled driver when requested. These gas stations are required to place a decal no smaller than 15 square inches with a blue background on the front of all gas pumps that states the telephone number of the gas station, the international symbol of accessibility, and wording such as “Call for Assistance” or “Assistance Available upon Request.” The gas station is not required to provide assistance if a second attendant is not present at the station. Consequences for violating the ordinances ranges from a \$250 civil fine up to criminal prosecution as a second-degree misdemeanor.⁷

III. Effect of Proposed Changes:

Section 1 amends s. 526.141, F.S., to require a full-service gas station offering self-service at a lesser cost to prominently display an additional decal that is blue, at least 15 square inches in size, and that clearly displays the international symbol of accessibility, the station’s telephone number, and the words “Call for Assistance.” The DACS is directed to adopt rules to implement

⁴ Conversation with Grace Lovett, the DACS (Mar. 13, 2014). The limited full-service assistance decals are part of the inspection decal placed on the gas pump after the DACS has inspected the pump. E-mail from Grace Lovett, the DACS (Mar. 14, 2014).

⁵ A second-degree misdemeanor is punishable by up to 60 days in jail or by a \$500 fine. Sections 775.082(4)(b) and 775.083(1)(e), F.S.

⁶ Department of Justice, *ADA Business Brief*.

⁷ Hillsborough County, Fla., Code part A, ch. 10, art. XI (2012); Broward County, Fla., Code part II, ch. 20, art. III (2012); see Leon County, Fla., Code ch. 11, art. XXIV (2013).

and enforce these provisions. The bill also specifically preempts local government laws and regulations pertaining to the provision of fueling assistance by a self-service gas station.

Section 2 provides an effective date of July 1, 2014.

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:

Decals required by the bill will be produced by the Florida Petroleum Marketers and Convenience Store Association and sold to gas stations at a cost of approximately \$1 per decal.⁸ According to the Florida Petroleum Marketers and Convenience Store Association, a number of gas stations already use decals that will be required by the bill.⁹

Gas station owners that fail to comply with the requirements in the bill may face up to 60 days in jail and a \$500 fine.

The bill may provide increased accessibility at gas stations for disabled drivers.

C. Government Sector Impact:

The DACS is not required to make or approve the decals. However, the DACS will check the decals to ensure they comply with the statutory requirements at the same time it conducts gas station inspections.¹⁰

⁸ Telephone conversation with Ned Bowman, Executive Director, Florida Petroleum Marketers and Convenience Store Association (Mar. 12, 2014).

⁹ *Id.*

¹⁰ Conversation with Grace Lovett, the DACS (Mar. 13, 2014); E-mail from Grace Lovett, the DACS (Mar. 14, 2014).

VI. Technical Deficiencies:

As currently written, the bill applies only to limited full-service gas stations when it appears it is intended to apply to self-service gas stations.

VII. Related Issues:

The bill requires the DACS to adopt rules to implement and enforce the act.

VIII. Statutes Affected:

The bill substantially amends section 526.141 of the Florida Statutes.

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

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

None.

B. Amendments:

None.



879080

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete lines 33 - 44
and insert:

(b)1. The Department of Agriculture and Consumer Services, when inspecting a self-service gasoline station, shall confirm that a second and separate decal is affixed to each pump. The decal must be blue, at least 15 square inches, and clearly display the international symbol of accessibility shown in s. 320.0842, the telephone number of the station, and the words



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11 "Call for Assistance." The Department of Agriculture and
12 Consumer Services shall adopt rules to implement and enforce
13 this paragraph and shall confirm that the decals conform with
14 this paragraph and are in place by July 1, 2016.

15 2. This paragraph preempts and supersedes all local
16 government laws and regulations pertaining to the provision of
17 fueling assistance to the motor vehicle operators described in
18 paragraph (a) by self-service gasoline stations.

19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete lines 2 - 11

23 and insert:

24 An act relating to gasoline stations; amending s.
25 526.141, F.S.; requiring self-service gasoline pumps
26 to display an additional decal containing specified
27 information; requiring the Department of Agriculture
28 and Consumer Services to confirm compliance by a
29 specified date; providing for preemption of local laws
30 and regulations pertaining to fueling assistance for
31 certain motor vehicle operators; providing an
32 effective date.

By Senator Brandes

22-01050A-14

20141184__

A bill to be entitled

An act relating to self-service gasoline stations; amending s. 526.141, F.S.; requiring full-service gasoline stations offering self-service at a lesser cost to display an additional decal; requiring the decal to contain certain information; requiring the Department of Agriculture and Consumer Services to adopt rules to implement and enforce this requirement; providing for preemption of local regulations pertaining to fueling assistance for certain motor vehicle operators; providing an effective date.

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

Section 1. Subsection (5) of section 526.141, Florida Statutes, is amended to read:

526.141 Self-service gasoline stations; attendants; regulations.—

(5) (a) Every full-service gasoline station offering self-service at a lesser cost shall require an attendant employed by the station to dispense gasoline from the self-service portion of the station to any motor vehicle properly displaying an exemption parking permit as provided in s. 316.1958 or s. 320.0848 or a license plate issued pursuant to s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845 when the person to whom such permit has been issued is the operator of the vehicle and such service is requested. Such stations shall prominently display a decal no larger than 8 square inches on the front of all self-service pumps clearly stating the requirements of this

Page 1 of 2

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

22-01050A-14

20141184__

subsection and the penalties applicable to violations of this subsection. The Department of Agriculture and Consumer Services shall enforce this requirement.

(b) By July 1, 2016, a full-service gasoline station offering self-service at a lesser cost shall prominently display, in addition to the decal required under paragraph (2), a decal that is blue, at least 15 square inches in size, and clearly displays the international symbol of accessibility shown in s. 320.0842, the telephone number of the station, and the words "Call for Assistance." The Department of Agriculture and Consumer Services shall adopt rules to implement and enforce this paragraph. This paragraph preempts and supersedes all local government laws and regulations pertaining to the provision of fueling assistance to the motor vehicle operators described in paragraph (a) by self-service gasoline stations.

~~(c) (b)~~ Violation of paragraph (a) is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

RECEIVED

MAR 03 2014

COMMERCE

To: Senator Nancy Detert, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: March 3, 2014

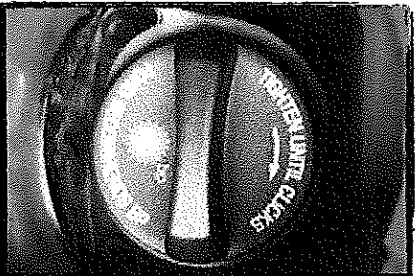
I respectfully request that **Senate Bill #1184**, relating to Self-Service Gasoline Stations, be placed on the:

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

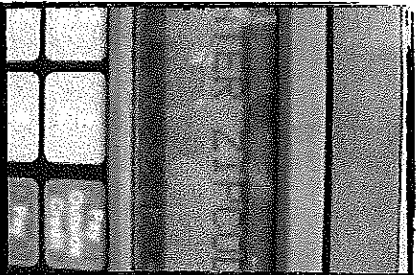
A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 22

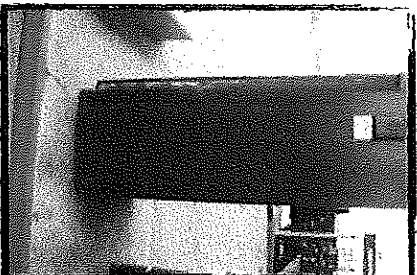
WHY IS IT STILL A PROBLEM FROM THE DISABILITY PERSPECTIVE?



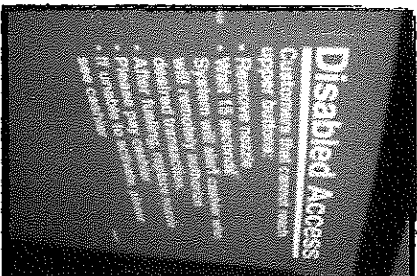
gas caps
hard to maneuver



touch screens
too high



communication
out of range



confusing signage



safety



nozzles hard
to grasp



credit cards hard
to grasp



pumps out of
reach

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/2014
Meeting Date

Topic _____

Bill Number SB 1184
(if applicable)

Name Beth Pytlirk (Pit-lirk)

Amendment Barcode _____
(if applicable)

Job Title Intergovernmental Relations

Address 6013 Kennedy Blvd

Phone 813 274 6790

Street _____
Tampa, FL 33760
City State Zip

E-mail pytlirk@hillsboroughcounty.org

Speaking: For Against Information

Representing Hillsborough County

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/14
Meeting Date

Topic Gas Pump Signage

Bill Number 1184
(if applicable)

Name Melissa James Rankin

Amendment Barcode
(if applicable)

Job Title Director of Government Affairs

Address 227 S Adams St.
Street

Phone 850-570-0269

Tallahassee FL
City State

E-mail Melissa@FF.org

Speaking: For Against Information

Representing Florida Retail 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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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/14
Meeting Date

Topic Fueling Stations

Name JEFF SHARKEY

Job Title CAPITOL ALLIANCE CAMP, INC

Address 100 E. Collier Ave
Street FL FL
City 32301
State FL FL
Zip

Speaking: For Against Information

Representing LEON COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

Bill Number SR 1184
(if applicable)

Amendment Barcode _____
(if applicable)

Phone 850 224 1660

E-mail JEFF@SHARKEY.COM

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

March 17, 2014

Meeting Date

Topic Self Service Gas Stations Bill Number SB1184
(if applicable)

Name Claudia Frese Amendment Barcode _____
(if applicable)

Job Title _____

Address 3816 Lost Lane Phone 850-656-6277

Street Tallahassee FL 32309
City *State* *Zip*

Speaking: For Against Information

Representing _____

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

March 17, 2014

Meeting Date

Topic Self-Service Gas Stations

Bill Number SB 1184

(if applicable)

Name Mark Soroko

Amendment Barcode _____

(if applicable)

Job Title _____

Address 9548 Oak Hollow Trail

Phone 727-366-0375

Street
Tallahassee

FL 32309
State *Zip*

E-mail mark.soroko@gamil.com

Speaking: For Against

Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 3/17/14

Topic Gas Stations

Bill Number SB 1184

(if applicable)

Name J. R. Harding

Amendment Barcode _____

(if applicable)

Job Title Advocate

Address _____

Phone _____

Street Tallahassee

E-mail _____

City _____ State _____ Zip _____

Speaking: For Against Information

Representing Persons with disabilities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
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 Commerce and Tourism

BILL: CS/SB 1556

INTRODUCER: Commerce and Tourism Committee and Senator Simpson

SUBJECT: Mineral Rights

DATE: March 19, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baye</u>	<u>Hrdlicka</u>	<u>CM</u>	<u>Fav/CS</u>
2.	_____	_____	<u>JU</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1556 provides that sellers of residential property must provide a prospective purchaser with a disclosure summary at or before the execution of the contract for sale if a subsurface right or right of entry was severed or retained by the seller or an affiliated or related entity, or will be severed or retained by the seller or an affiliated or related entity. The disclosure summary must inform the purchaser that the subsurface rights have been or will be severed from the property.

II. Present Situation:

Pursuant to ch. 689.01, F.S., property conveyed for a term of more than 1 year must be made by an instrument in writing. "A landowner is entitled to the surface and all that is below it, and on the execution of a deed that contains no reservation and does not limit the estate conveyed, the owner conveys everything under the surface as well as on the surface itself."¹ A landowner can also sever his or her mineral rights in the land and sell them separately.²

Generally, when the surface estate is severed from the mineral estate, the mineral estate is the dominant estate and the owner of the mineral estate has the right of ingress and egress to explore for, locate, and remove the minerals.³ However, the owner of the mineral estate cannot take

¹ 36 Fla. Jur. 2d Mines and Minerals s. 54.

² *Id.*

³ *P&N Inv. Corp. v. Florida Ranchettes, Inc.*, 220 So. 2d 451, 453 (Fla. 1st DCA 1968).

actions that unreasonably injure or destroy the value of the surface estate and may be liable for damages to the owner of the surface estate for any unreasonable damages.”⁴

Some developers retain mineral rights without a reference to the mineral rights on the face of the deed. There may be a catch-all provision in the deed indicating that the land is “subject to Covenants, Conditions, Restrictions, Reservations, Limitations, Easements, and Agreements of Records, if any.” In this case, the prospective purchaser may be unsure about the state of the mineral rights on the land.

In February 2014, Florida Attorney General Pam Bondi stated in a press release that her office was working with a home builder to notify approximately 18,000 homeowners who had purchased real property from the builder without knowledge that the mineral rights to the property had been severed. The notice informs the homeowners that they have the option to receive the mineral rights by completing a certification form. The home builder agreed to cease the practice of reserving mineral rights until the Florida Legislature provides guidance on the issue.⁵

III. Effect of Proposed Changes:

CS/SB 1556 creates s. 689.29, F.S., to provide that the seller must provide a prospective purchaser of residential property with a disclosure summary about the subsurface rights of the real property if a subsurface right or right of entry was severed or retained by the seller or an affiliated or related entity, or will be severed or retained by the seller or an affiliated or related entity. The disclosure summary must inform the prospective purchaser:

- That subsurface rights have been or will be severed and may permit the owner of those rights to access the property and remove subsurface minerals from the property; and
- That subsurface rights may have a monetary value.

The disclosure summary is required for the sale of residential property upon which a new dwelling:

- Will be constructed pursuant to a contract of sale;
- Is being constructed; or
- Has been constructed since the last transfer of the property.

The disclosure summary must be provided at or before the execution of the contract for sale if a subsurface right or the right of entry was severed or retained by the seller or an affiliated or related entity, or will be severed or retained by the seller or an affiliated or related entity. The disclosure summary must be conspicuous, in boldfaced type, and in a form substantially similar to the form contained in the bill. The purchaser is also required to initial the disclosure summary.

If the disclosure summary is not included in the contract for sale, the contract for sale must refer to and incorporate by reference the disclosure summary and must include, in prominent

⁴ *Id.*

⁵ Florida Office of the Attorney General, *Attorney General Pam Bondi Announces that Home Builder is Notifying Florida Homeowners of Option to Request Mineral Rights*, February 7, 2014, available at <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/06535F8FE26017C785257C780071C51D> (last visited Mar. 11, 2014).

language, a statement that the potential purchaser should not execute the contract until he or she has read the disclosure summary.

The term “subsurface rights” means the rights to all minerals and mineral fuels, and other resources, including, but not limited to, oil, gas, coal, oil shale, uranium, metals, and phosphate, whether or not it may be mixed with any other substance, found, or located beneath the surface of the earth.

The term “seller” means any seller of real property which, at the time of sale, is zoned for residential use and is property upon which a new dwelling is being constructed, or will be constructed pursuant to the contract of sale with the seller, or has been constructed since the last transfer of the property.

This act takes effect October 1, 2014.

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:

This bill may impact the private sector related to the cost of providing notice to buyers.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 689.29 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 Commerce and Tourism on March 17, 2014:

The committee substitute:

- Requires a disclosure summary only if a subsurface right or the right of entry was severed or retained by the seller or an affiliated or related entity, or will be severed or retained by the seller or an affiliated or related entity.
- Changes the form of the disclosure summary.
- Deletes the requirement for the disclosure summary to be in the contract for sale. The amendment provides if the disclosure summary is not included in the contract for sale, the contract for sale must refer to and incorporate by reference the disclosure summary and must include, in prominent language, a statement that the potential purchaser should not execute the contract until he or she has read the disclosure summary.
- Defines “subsurface rights” to include all minerals, mineral fuels, and other resources, including, but not limited to, oil, gas, coal, oil shale, uranium, and phosphate, whether or not it may be mixed with any other substance, found, or located beneath the surface of the earth.
- Defines the term “seller” to mean any seller of real property which, at the time of sale, is zoned for residential use and is property upon which a new dwelling is being constructed, or will be constructed pursuant to the contract of sale with the seller, or has been constructed since the last transfer of the property.
- Changes the effective date of the bill from July 1, 2014 to October 1, 2014.

B. Amendments:

None.



156186

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 689.29, Florida Statutes, is created to
read:

689.29 Disclosure of subsurface rights to prospective
purchaser.—

(1) The seller must provide a prospective purchaser of
residential property with a disclosure summary at or before the



156186

11 execution of the contract for sale if a subsurface right or the
12 right of entry was severed or retained by the seller or an
13 affiliated or related entity, or will be severed or retained by
14 the seller or an affiliated or related entity. The disclosure
15 summary must be conspicuous, in boldfaced type, and in a form
16 substantially similar to the following:

17
18 SUBSURFACE RIGHTS
19 DISCLOSURE SUMMARY
20

21 SUBSURFACE RIGHTS HAVE BEEN OR WILL BE SEVERED FROM THE TITLE TO
22 REAL PROPERTY BY CONVEYANCE (DEED) OF THE SUBSURFACE RIGHTS FROM
23 THE SELLER OR BY RESERVATION OF THE SUBSURFACE RIGHTS BY THE
24 SELLER OR AN AFFILIATED OR RELATED ENTITY. WHEN SUBSURFACE
25 RIGHTS ARE SEVERED FROM THE PROPERTY, THE OWNER OF THOSE RIGHTS
26 MAY HAVE THE PERPETUAL RIGHT TO DRILL, MINE, EXPLORE, AND REMOVE
27 ANY OF THE SUBSURFACE RESOURCES ON OR FROM THE PROPERTY EITHER
28 DIRECTLY FROM THE SURFACE OF THE PROPERTY OR FROM A NEARBY
29 LOCATION. SUBSURFACE RIGHTS MAY HAVE A MONETARY VALUE.

30
31 ...(Buyer Initials)...
32

33 (2) If the disclosure summary is not included in the
34 contract for sale, the contract for sale must refer to and
35 incorporate by reference the disclosure summary and must
36 include, in prominent language, a statement that the potential
37 purchaser should not execute the contract until he or she has
38 read the disclosure summary required under this section.

39 (3) As used in this section, the term "subsurface rights"



156186

40 means the rights to all minerals, mineral fuels, and other
41 resources, including, but not limited to, oil, gas, coal, oil
42 shale, uranium, metals, and phosphate, whether or not it may be
43 mixed with any other substance, found, or located beneath the
44 surface of the earth.

45 (4) As used in this section, the term "seller" means any
46 seller of real property which, at the time of sale, is zoned for
47 residential use and is property upon which a new dwelling is
48 being constructed, or will be constructed pursuant to the
49 contract of sale with the seller, or has been constructed since
50 the last transfer of the property.

51 Section 2. This act shall take effect October 1, 2014.

52
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete everything before the enacting clause
56 and insert:

57 A bill to be entitled
58 An act relating to subsurface rights; creating s.
59 689.29, F.S.; requiring a seller to provide a
60 prospective purchaser with a subsurface rights
61 disclosure summary; providing the form for the
62 disclosure summary; requiring the disclosure summary
63 to be included in, or incorporated by reference in,
64 the contract for sale; defining the term "subsurface
65 rights"; defining the term "seller"; providing an
66 effective date.

By Senator Simpson

18-01107-14

20141556__

1 A bill to be entitled
 2 An act relating to mineral rights; creating s. 689.29,
 3 F.S.; requiring a seller to provide a prospective
 4 purchaser with a mineral rights disclosure summary;
 5 providing the form for the disclosure summary;
 6 requiring the disclosure summary to be included in the
 7 contract for sale or attached to the contract for
 8 sale; defining the term "mineral rights"; providing an
 9 effective date.

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

11
 12 Section 1. Section 689.29, Florida Statutes, is created to
 13 read:
 14 689.29 Disclosure of mineral rights to prospective
 15 purchaser.—
 16 (1) The seller must provide a prospective purchaser of
 17 residential property with a disclosure summary at or before the
 18 execution of the contract for sale. The disclosure summary must
 19 be conspicuous, in boldfaced type, and in a form substantially
 20 similar to the following:
 21 MINERAL RIGHTS
 22 DISCLOSURE SUMMARY
 23
 24 MINERAL RIGHTS CAN BE SEVERED FROM THE TITLE TO REAL PROPERTY BY
 25 CONVEYANCE (DEED) OF THE MINERAL RIGHTS FROM THE OWNER OR BY
 26 RESERVATION OF THE MINERAL RIGHTS BY THE OWNER. IF MINERAL
 27 RIGHTS ARE OR WILL BE SEVERED FROM THE PROPERTY, THE OWNER OF
 28 THOSE RIGHTS MAY HAVE THE PERPETUAL RIGHT TO DRILL, MINE,
 29

Page 1 of 2

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

18-01107-14

20141556__

30 EXPLORE, AND REMOVE ANY OF THE SUBSURFACE MINERAL RESOURCES ON
 31 OR FROM THE PROPERTY EITHER DIRECTLY FROM THE SURFACE OF THE
 32 PROPERTY OR FROM A NEARBY LOCATION. WITH REGARD TO THE SEVERANCE
 33 OF MINERAL RIGHTS, THE SELLER MAKES THE FOLLOWING DISCLOSURES:
 34
 35 1. Mineral rights were severed from the property by a previous
 36 owner: Yes No No Representation
 37 ...(Buyer Initials)...
 38
 39 2. Seller has severed the mineral rights from the property: Yes
 40 No
 41 ...(Buyer Initials)...
 42
 43 3. Seller intends to sever the mineral rights from the property
 44 before transferring title to Buyer: Yes No
 45 ...(Buyer Initials)...
 46
 47 (2) The disclosure summary must be included in the contract
 48 for sale or attached to the contract for sale. If attached, the
 49 contract for sale must refer to and incorporate by reference the
 50 disclosure summary and must include, in prominent language, a
 51 statement that the potential purchaser should not execute the
 52 contract until he or she has read the disclosure summary
 53 required under this section.
 54 (3) As used in this section, the term "mineral rights"
 55 means the rights to all minerals and mineral fuels, including
 56 oil, gas, coal, oil shale, and uranium.
 57 Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR WILTON SIMPSON

18th District

COMMITTEES:

Community Affairs, *Chair*
Appropriations Subcommittee on General
Government
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Commerce and Tourism
Communications, Energy, and Public Utilities
Environmental Preservation and Conservation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

March 12, 2014

Senator Nancy C. Detert, Chair
Committee on Commerce and Tourism
310 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Senator Detert,

Please place Senate Bill 1556 relating to mineral rights, on the next Committee on Commerce and Tourism agenda.

Please contact my office with any questions.

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson
Senator, 18th District

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date 3-17-14

Topic Mineral Rights

Bill Number SB 1556

Name Amy Datz

Amendment Barcode _____
(if applicable)

Job Title Retired Environmental Scientist

Address 1130 Cestien Ave.

Phone (850) 322-7599

Street Tallahassee State FL Zip 32303
City

E-mail amali@datz.com

Speaking: For Against Information

Representing Self + Democratic Environmental 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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3117/2014

Meeting Date

Topic _____ Bill Number 1556 (if applicable)

Name BRIAN PITTS Amendment Barcode _____ (if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-17-14

Meeting Date

Topic Mineral Rights

Bill Number SB 1556
(if applicable)

Name Amy Datz

Amendment Barcode _____
(if applicable)

Job Title Retired Environmental Scientist

Address 1130 Crestview Ave.

Phone (850) 322-7599

Street

Tallahassee FL 32303

City

psb

State

Zip

E-mail amaldatz@
muu.com

Speaking: For Against Information

Representing Self + Democratic Environmental 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.

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

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 Commerce and Tourism

BILL: CS/SB 1654

INTRODUCER: Commerce and Tourism and Appropriations Committees

SUBJECT: Tax Administration

DATE: March 18, 2014

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
<u>Fournier</u>	<u>Kynoch</u>		AP SPB 7066 as introduced
1. <u>Hrdlicka</u>	<u>Hrdlicka</u>	<u>CM</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1654 contains changes in tax administration that were recommended by the Department of Revenue (department) and approved by the Governor and Cabinet, as well as a clarification of current tax law regarding charges for the storage of towed vehicles, revising the procedures local governments may use to authorize ad valorem exemptions for economic development, and permitting certain entities to publish aggregate data on certain tourism taxes. The bill clarifies provisions pertaining to criminal penalties for failing to collect a tax or fee, making a false or fraudulent return, or failing to register with the department; clearly establishes the department's authority to require security for certain individuals seeking to register new businesses; increases the authority of the department's executive director to compromise taxes; conforms the remittance date for funds collected by the clerks of the court to other statutory requirements for the remittance of these funds; bans the sale, purchase, installation, transfer, or possession of automated sales suppression devices, zappers, and phantom-ware, and provides criminal penalties for these actions; provides an incentive for businesses to comply with requests for reemployment assistance tax records for audit purposes; reduces the interest rate imposed on reemployment assistance tax deficiencies; and extends the protest period for reemployment assistance tax assessments.

Several sections of this bill have a positive, but indeterminate, impact on state and local revenue. Section 14, which reduces the interest rate charged on delinquent reemployment taxes, was estimated by the Revenue Estimating Conference to reduce revenue to the Special Employment Security Administration Trust Fund by \$0.2 million on a recurring basis.

II. Present Situation:

The Department of Revenue is responsible for ensuring that the taxes it administers are carried out in a fair and equitable manner. Each year the executive director seeks approval of proposed legislative concepts by the Governor and Cabinet, in their role as the head of the department. The department proposes changes in tax administration laws to reduce the burden on taxpayers and to ensure that Florida's tax laws are applied in a consistent, cost-effective, and equitable manner.

III. Effect of Proposed Changes:

Sections 1 and 2

Present situation: Section 196.1995, F.S., permits a local government to allow an ad valorem tax exemption for economic development. The local government may permit exemptions for new or expanding businesses for improvements to real property and for tangible personal property. Initially, the local government must hold a referendum within its total jurisdiction to determine whether the jurisdiction may grant economic development ad valorem exemptions under Art. VII, s. 3 of the Florida Constitution. Once the referendum measure is approved, specific exemptions are effectuated by enactment of an ordinance. However, the improvements must be made or the tangible personal property added or increased on or after an ordinance is adopted by the locality.

Proposed change: The bill permits the improvements to be made or the tangible personal property to be added or increased after approval by motion or resolution of the local governing body and before enactment of the ordinance. The bill provides that an ordinance in existence prior to the effective date of the bill will not be invalidated simply because the improvements to real property were made or the tangible personal property was added or increased prior to the day such ordinance was adopted as long as the local governing body acted substantially in accordance with the law as amended by the bill.

Section 3

Present situation: Section 212.03(6), F.S., provides that every person engaging in a lease or rental of parking or storage spaces for motor vehicles in parking lots or garages, who leases or rents docking or storage space for boats in boat docks or marinas, or who leases or rents tie-down or storage space for aircraft at airports, shall be taxed at the rate of 6 percent on the total rental charges. Current administration of this statute treats storage facilities for towed vehicles as "parking lots or garages" for purposes of application of the tax, but the statute does not explicitly mention these facilities or provide an exception for law enforcement impoundment facilities.

Proposed change: The bill explicitly states that storage facilities for towed vehicles are included in "parking lots and garages" for tax purposes. It also provides that charges for storage of towed vehicles from a "lawful impoundment" by a local, state, or federal law enforcement agency are not taxable, and defines "lawful impoundment" as the storage of a vehicle at the direction of or by a law enforcement agency and the owner is not authorized to access or remove the vehicle.

Sections 4, 5, and 7

Present situation: Sections 212.07, 212.12, and 212.18, F.S., contain redundant and potentially confusing provisions concerning criminal penalties. Section 212.12, F.S., sets forth the penalties for failure to collect a tax or fee, making fraudulent returns, and failure to register with the department. However, ss. 212.07 and 212.18, F.S., also include some reference to such penalties.

Proposed change: The bill amends these sections to clarify the criminal penalties imposed on a person who:

- Willfully fails to collect a tax or fee (s. 212.07, F.S.).
- Makes a false or fraudulent return with a willful intent to evade payment of taxes or fees (s. 212.12, F.S.).
- Willfully fails to register after the department provides notice of the duty to register (s. 212.18, F.S.).

The bill creates no new penalties; the amendments are intended to clarify existing statutory penalties. These sections take effect July 1, 2014.

Section 8 republishes s. 212.20, F.S., to incorporate by reference the amendments made to s. 212.18, F.S., in section 5 of the bill. This section takes effect July 1, 2014.

Section 6

Present situation: Section 212.14(4), F.S., authorizes the department to require a cash deposit, bond, or other security as a condition to a person obtaining or retaining a sales tax dealer's certification of registration. Despite this requirement, delinquent sales tax dealers are able to close down businesses with tax liabilities and to reopen under a new name, because the current provision does not clearly apply to all of the individuals who were responsible for prior delinquent tax accounts when those individuals seek to register new businesses.

Proposed change: The bill revises s. 212.14(4), F.S., to authorize the department to require security for individuals who are responsible for prior delinquent accounts when they seek to register new businesses. This section takes effect July 1, 2014.

Section 9

Present situation: Section 213.0535, F.S., creates the Registration Information Sharing and Exchange Program and permits the sharing of tax administration information between different specified entities. "Level-two" participants include local officials responsible for collecting tourism taxes; these participants are permitted to share information between each other but not with other related entities.

Proposed change: The bill permits a level-two participant to publish aggregate statistics on tourism taxes as long as the data does not pertain to fewer than three taxpayers or the data is prepared for geographic areas below the county level and does not pertain to fewer than ten taxpayers. Statistics published may only relate to the taxes imposed under ss. 125.0104, 125.0108, 212.0305, F.S., and ch. 67-930, L.O.F.

Section 10

Present situation: Chapter 2010-162, L.O.F., changed the remittance date for state funds collected by the Clerks of the Court from the 20th day to the 10th day of the month immediately after the month in which the funds are collected. Section 213.13, F.S., which governs the electronic remittance and distribution of funds by the Clerks of the Court, was not amended to conform to the change.

Proposed change: Section 213.13(5), F.S., is amended to conform to changes made by ch. 2010-162, L.O.F.

Section 11

Present situation: Section 213.21, F.S., allows the department's executive director to enter into an agreement with a taxpayer that compromises the taxpayer's liability if there is a "doubt as to liability" or "doubt as to collectability" of the tax assessed. The statute limits this compromise authority to a reduction of \$250,000 or less.

Proposed change: The bill increases the executive director's authority to compromise taxes to a reduction of \$500,000 or less.

Section 12

Present situation: Automated sales suppression devices or "zappers" are software programs that falsify the records of electronic cash registers and other point-of-sale systems.¹ These devices alter sales records to reduce the value of sales that are reported for tax purposes in order to evade state and federal taxes. In the case of sales tax, the use of these devices results in the theft of taxes that have been collected from a business' customers. While evading state taxes is illegal under current law, the sale, purchase, installation, use, or possession of the devices themselves is not illegal per se. Since 2011, eleven states have enacted legislation making it illegal to sell, install, or possess these devices.

Proposed change: The bill creates s. 213.295, F.S., which makes an automated sales suppression device a contraband article under Florida's Contraband Forfeiture Act (ss. 932.701-932.706, F.S.), and makes it unlawful to knowingly sell, purchase, install, transfer, use, or possess in this state any automated sales suppression device, zapper, or phantom-ware. Any person convicted of violating this law is guilty of a third degree felony;² is liable for all taxes, fees, penalties and interest due the state as a result of the use of the device; and must forfeit to the state as an additional penalty all profits associated with the sale or use of the device. This section takes effect July 1, 2014.

¹ See for example Furchgott, Roy, "With Software, Till Tampering Is Hard To Find," New York Times (August 29, 2008), available at http://www.nytimes.com/2008/08/30/technology/30zapper.html?_r=0 (last visited 3/13/2014).

² Punishable by a term of imprisonment not exceeding 5 years and a fine of up to \$5,000. In the case of a habitual offender, the punishment may be a term of imprisonment not exceeding 10 years Sections 775.072, 775.083, and 775.084, F.S.

Section 13

Present situation: Florida law provides a standard reemployment assistance tax rate and allows many businesses to receive a lower rate if they meet certain criteria, including being in compliance with the law. Section 443.131, F.S., lists the criteria necessary for a business to be in compliance, but it does not explicitly state that a taxpayer must comply with records requests during audits to qualify for the reduced tax rate.

Proposed change: Section 443.131, F.S., is amended to create an additional condition for receiving a lower-than-standard reemployment assistance tax rate. The condition is that the employer has produced records requested by the Department of Economic Opportunity or the department for audit purposes.

Section 14

Present situation: Reemployment assistance tax contributions or reimbursements that are unpaid on the due date bear an interest rate of 1 percent per month, an effective annual rate of 12 percent. Other taxes that are administered by the department have an interest rate of prime plus 4 percent, not to exceed an effective rate of 1 percent per month. The interest rate is adjusted twice yearly.

Under s. 443.131, F.S., a determination of reemployment assistance tax rate is final 20 days after the date it is mailed, unless the employer requests a redetermination. However, under s. 443.141, F.S., if an employer does not respond to the Department of Economic Opportunity or the department when required to file a report related to reemployment assistance tax, the department may assess the amount of reemployment assistance tax due upon the employer and such assessment is final 15 days after the date it is mailed, unless the employer files a written protest.

Proposed change: Section 443.141, F.S., is amended to change the interest rate imposed on reemployment assistance tax deficiencies to prime plus 4 percent, not to exceed 1 percent per month, beginning January 1, 2015. This is the rate applied to other taxes administered by the department.

This section is also amended to provide a 20-day protest period for reemployment assistance tax assessments.

This section is effective January 1, 2015.

Section 15 provides that except as otherwise expressly provided, the bill takes effect upon becoming a law.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

The department anticipates that the following provisions will improve enforcement and collection of state tax laws:

- Banning the sale, purchase, installation, transfer, use, or possession of automated sales suppression devices, zappers, and phantom-ware, and providing criminal penalties for these actions, should improve the department's ability to collect and enforce the sales tax statutes.
- Improved compliance with reemployment tax reporting is expected to improve the department's audit capability.

The Revenue Estimating Conference has determined that decreasing the interest rate on unpaid reemployment assistance taxes will reduce state trust fund revenue by \$600,000 in Fiscal Year 2014-15 and \$200,000 on a recurring basis. Other provisions of the bill are expected to have an indeterminate, positive impact on state and local revenue.

B. Private Sector Impact:

This bill:

- Revises the procedures local governments may use to authorize ad valorem exemptions for economic development;
- Clarifies that storage facilities for towed vehicles are taxable, but that storage of towed vehicles from a "lawful impoundment" by a law enforcement agency are not taxable;
- Authorizes the department to require additional persons to provide a cash deposit, bond, or other security as a condition of obtaining or retaining a sales tax dealer's certificate of registration;
- Increases the executive director's authority to compromise taxes;
- Prohibits the sale, purchase, installation, transfer, use, or possession of automated sales suppression devices, zappers, and phantom-ware, and specifies criminal penalties for these actions;
- Provides that an employer may not qualify for a reduced reemployment assistance tax rate unless the employer has produced all records that were requested by the department or the Department of Economic Opportunity; and
- Reduces the interest rate imposed on reemployment assistance tax deficiencies and lengthens the protest period for such tax assessments.

C. **Government Sector Impact:**

The provisions of this bill are expected to improve tax administration by the department.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 196.1995, 212.03, 212.07, 212.12, 212.14, 212.18, 213.0535, 213.13, 213.21, 443.131, and 443.141.

This bill creates section 213.295 of the Florida Statutes.

This bill reenacts section 212.20 of the Florida Statutes for the purpose of incorporating the amendments made to section 212.18 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 Commerce and Tourism on March 17, 2014:

The committee substitute:

- Revises the procedures local governments may use to authorize ad valorem exemptions for economic development.
- Permits certain entities to publish aggregate data related to certain tourism taxes.

B. **Amendments:**

None.



780768

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Hukill) recommended the following:

Senate Amendment (with title amendment)

Before line 57

insert:

Section 1. Subsection (5) of section 196.1995, Florida Statutes, is amended to read:

196.1995 Economic development ad valorem tax exemption.—

(5) Upon a majority vote in favor of such authority, the board of county commissioners or the governing authority of the municipality, at its discretion, may, by ordinance, may exempt



780768

11 from ad valorem taxation up to 100 percent of the assessed value
12 of all improvements to real property made by or for the use of a
13 new business and of all tangible personal property of such new
14 business, or up to 100 percent of the assessed value of all
15 added improvements to real property made to facilitate the
16 expansion of an existing business and of the net increase in all
17 tangible personal property acquired to facilitate such expansion
18 of an existing business. To qualify for the exemption, provided
19 ~~that~~ the improvements to real property must be ~~are~~ made or the
20 tangible personal property must be ~~is~~ added or increased after
21 approval by motion or resolution of the local governing body,
22 subject to the adoption of the ordinance, or on or after the day
23 the ordinance is adopted. However, if the authority to grant
24 exemptions is approved in a referendum in which the ballot
25 question contained in subsection (3) appears on the ballot, the
26 authority of the board of county commissioners or the governing
27 authority of the municipality to grant exemptions is limited
28 solely to new businesses and expansions of existing businesses
29 that are located in an enterprise zone or brownfield area.
30 Property acquired to replace existing property is ~~shall not be~~
31 considered to facilitate a business expansion. The exemption
32 applies only to taxes levied by the respective unit of
33 government granting the exemption. The exemption does not apply,
34 however, to taxes levied for the payment of bonds or to taxes
35 authorized by a vote of the electors pursuant to s. 9(b) or s.
36 12, Art. VII of the State Constitution. Any such exemption shall
37 remain in effect for up to 10 years with respect to any
38 particular facility, regardless of any change in the authority
39 of the county or municipality to grant such exemptions. The



780768

40 exemption may ~~shall~~ not be prolonged or extended by granting
41 exemptions from additional taxes or by virtue of a any
42 reorganization or sale of the business receiving the exemption.

43 Section 2. A local ordinance enacted pursuant to s.
44 196.1995, Florida Statutes, before the effective date of this
45 act may not be invalidated on the ground that improvements to
46 real property were made or that tangible personal property was
47 added or increased before the date that such ordinance was
48 adopted if the local governing body acted substantially in
49 accordance with s. 196.1995(5), Florida Statutes, as amended by
50 this act.

51
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete line 2

55 and insert:

56 An act relating to tax administration; amending s.
57 196.1995, F.S.; requiring certain real property
58 improvements and tangible personal property additions
59 to occur within a specified period in order to qualify
60 for a specified ad valorem tax exemption; providing
61 that certain local ordinances conveying ad valorem tax
62 exemptions may not be invalidated if the local
63 governing body acted in accordance with this act;
64 amending s.



269490

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Hukill) recommended the following:

Senate Amendment (with title amendment)

Between lines 431 and 432
insert:

Section 7. Subsection (5) of section 213.0535, Florida Statutes, is amended to read:

213.0535 Registration Information Sharing and Exchange Program.—

(5) Any provision of law imposing confidentiality upon data shared under this section, including, but not limited to, a ~~any~~



269490

11 provision imposing penalties for disclosure, applies to
12 recipients of this data and their employees. Data exchanged
13 under this section may not be provided to any person or entity
14 other than a person or entity administering the tax or licensing
15 provisions of those provisions of law enumerated in paragraph
16 (4) (a), and such data may not be used for any purpose other than
17 for enforcing those tax or licensing provisions. This section
18 does not prevent a level-two participant from publishing
19 statistics classified so as to prevent the identification of
20 particular accounts, reports, declarations, or returns. However,
21 statistics may not be published if the statistics contain data
22 pertaining to fewer than three taxpayers or if the statistics
23 are prepared for geographic areas below the county level and
24 contain data pertaining to fewer than ten taxpayers. Statistics
25 published under this subsection must relate only to tourist
26 development taxes imposed under s. 125.0104, the tourist impact
27 tax imposed under s. 125.0108, convention development taxes
28 imposed under s. 212.0305, or the municipal resort tax
29 authorized under chapter 67-930, Laws of Florida.

30
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete line 30

34 and insert:

35 made by the act; amending s. 213.0535, F.S.;

36 clarifying that confidential tax data may be published

37 as statistics under certain circumstances; amending s.

38 213.13, F.S.; revising

By the Committee on Appropriations

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1 A bill to be entitled
 2 An act relating to tax administration; amending s.
 3 212.03, F.S.; providing that charges for the storage
 4 of towed vehicles that are impounded by a local,
 5 state, or federal law enforcement agency are not
 6 taxable; amending s. 212.07, F.S.; conforming a cross-
 7 reference to changes made by the act; providing
 8 monetary and criminal penalties for a dealer's willful
 9 failure to collect certain taxes or fees after
 10 receiving notice of such duty to collect from the
 11 Department of Revenue; amending s. 212.12, F.S.;
 12 deleting provisions relating to the imposition of
 13 criminal penalties after Department of Revenue notice
 14 of requirements to register as a dealer or to collect
 15 taxes; making technical and grammatical changes to
 16 provisions specifying penalties for making a false or
 17 fraudulent return with the intent to evade payment of
 18 a tax or fee; amending s. 212.14, F.S.; modifying the
 19 definition of the term "person"; authorizing the
 20 department to adopt rules relating to requirements for
 21 a person to deposit cash, a bond, or other security
 22 with the department in order to ensure compliance with
 23 sales tax laws; making technical and grammatical
 24 changes; amending s. 212.18, F.S.; providing criminal
 25 penalties for a person who willfully fails to register
 26 as a dealer after receiving notice of such duty by the
 27 department; making technical and grammatical changes;
 28 reenacting s. 212.20, F.S., relating to the
 29 disposition of funds collected, to incorporate changes

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30 made by the act; amending s. 213.13, F.S.; revising
 31 the date for transmitting funds collected by the
 32 clerks of court to the department; amending s. 213.21,
 33 F.S.; increasing the compromise authority for closing
 34 agreements with taxpayers which can be delegated to
 35 and approved by the executive director; creating s.
 36 213.295, F.S., relating to automated sales suppression
 37 devices; defining terms; subjecting a person to
 38 criminal penalties and monetary penalties for
 39 knowingly selling or engaging in certain other actions
 40 involving a sales suppression device or phantom-ware;
 41 providing that sales suppression devices and phantom-
 42 ware are contraband articles under the Florida
 43 Contraband Forfeiture Act; amending s. 443.131, F.S.;
 44 imposing a requirement on employers to produce records
 45 for the Department of Economic Opportunity or its tax
 46 collection service provider as a prerequisite for a
 47 reduction in the rate of reemployment tax; amending s.
 48 443.141, F.S.; providing a method to calculate the
 49 interest rate for past due employer contributions and
 50 reimbursements, and delinquent, erroneous, incomplete,
 51 or insufficient reports; increasing the number of days
 52 for an employer to protest an assessment; providing
 53 effective dates.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. Subsection (6) of section 212.03, Florida
 58 Statutes, is amended to read:

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59 212.03 Transient rentals tax; rate, procedure, enforcement,
60 exemptions.-

61 (6) It is the legislative intent that ~~a every~~ person is
62 engaging in a taxable privilege who leases or rents parking or
63 storage spaces for motor vehicles in parking lots or garages,
64 including storage facilities for towed vehicles, who leases or
65 rents docking or storage spaces for boats in boat docks or
66 marinas, or who leases or rents tie-down or storage space for
67 aircraft at airports.

68 (a) For the exercise of this privilege, a tax is hereby
69 levied at the rate of 6 percent on the total rental charged.

70 (b) Charges for parking, docking, tie-down, or storage
71 arising from a lawful impoundment are not taxable. As used in
72 this paragraph, the term "lawful impoundment" means the storing
73 of or having custody over an aircraft, boat, or motor vehicle
74 by, or at the direction of, a local, state, or federal law
75 enforcement agency which the owner or the owner's representative
76 is not authorized to enter upon, have access to, or remove
77 without the consent of the law enforcement agency.

78 Section 2. Effective July 1, 2014, paragraph (b) of
79 subsection (1) and subsection (3) of section 212.07, Florida
80 Statutes, are amended to read:

81 212.07 Sales, storage, use tax; tax added to purchase
82 price; dealer not to absorb; liability of purchasers who cannot
83 prove payment of the tax; penalties; general exemptions.-

84 (1)

85 (b) A resale must be in strict compliance with s. 212.18
86 and the rules and regulations, and any dealer who makes a sale
87 for resale which is not in strict compliance ~~is with s. 212.18~~

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88 ~~and the rules and regulations shall himself or herself be liable~~
89 for and must pay the tax. Any dealer who makes a sale for resale
90 shall document the exempt nature of the transaction, as
91 established by rules ~~adopted promulgated~~ by the department, by
92 retaining a copy of the purchaser's resale certificate. In lieu
93 of maintaining a copy of the certificate, a dealer may document,
94 ~~before prior to~~ the time of sale, an authorization number
95 provided telephonically or electronically by the department, or
96 by such other means established by rule of the department. The
97 dealer may rely on a resale certificate issued pursuant to s.
98 212.18(3)(d) ~~s. 212.18(3)(e)~~, valid at the time of receipt from
99 the purchaser, without seeking annual verification of the resale
100 certificate if the dealer makes recurring sales to a purchaser
101 in the normal course of business on a continual basis. For
102 purposes of this paragraph, "recurring sales to a purchaser in
103 the normal course of business" refers to a sale in which the
104 dealer extends credit to the purchaser and records the debt as
105 an account receivable, or in which the dealer sells to a
106 purchaser who has an established cash or C.O.D. account, similar
107 to an open credit account. For purposes of this paragraph,
108 purchases are made from a selling dealer on a continual basis if
109 the selling dealer makes, in the normal course of business,
110 sales to the purchaser ~~at least no less frequently than~~ once in
111 every 12-month period. A dealer may, through the informal
112 protest provided for in s. 213.21 and the rules of the
113 department ~~of Revenue~~, provide the department with evidence of
114 the exempt status of a sale. Consumer certificates of exemption
115 executed by those exempt entities that were registered with the
116 department at the time of sale, resale certificates provided by

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117 purchasers who were active dealers at the time of sale, and
 118 verification by the department of a purchaser's active dealer
 119 status at the time of sale in lieu of a resale certificate shall
 120 be accepted by the department when submitted during the protest
 121 period, but may not be accepted in any proceeding under chapter
 122 120 or any circuit court action instituted under chapter 72.

123 (3)(a) A Any dealer who fails, neglects, or refuses to
 124 collect the tax or fees imposed under this chapter herein
 125 ~~provided, either~~ by himself or herself or through the dealer's
 126 agents or employees, ~~is,~~ in addition to the penalty of being
 127 liable for and paying the tax or fee ~~himself or herself,~~ commits
 128 guilty of a misdemeanor of the first degree, punishable as
 129 provided in s. 775.082 or s. 775.083.

130 (b) A dealer who willfully fails to collect a tax or fee
 131 after the department provides notice of the duty to collect the
 132 tax or fee is liable for a specific penalty of 100 percent of
 133 the uncollected tax or fee. This penalty is in addition to any
 134 other penalty that may be imposed by law. A dealer who willfully
 135 fails to collect taxes or fees totaling:

136 1. Less than \$300:

137 a. For a first offense, commits a misdemeanor of the second
 138 degree, punishable as provided in s. 775.082 or s. 775.083.

139 b. For a second offense, commits a misdemeanor of the first
 140 degree, punishable as provided in s. 775.082 or s. 775.083.

141 c. For a third or subsequent offense, commits a felony of
 142 the third degree, punishable as provided in s. 775.082, s.
 143 775.083, or s. 775.084.

144 2. An amount equal to \$300 or more, but less than \$20,000,
 145 commits a felony of the third degree, punishable as provided in

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146 s. 775.082, s. 775.083, or s. 775.084.

147 3. An amount equal to \$20,000 or more, but less than
 148 \$100,000, commits a felony of the second degree, punishable as
 149 provided in s. 775.082, s. 775.083, or s. 775.084.

150 4. An amount equal to \$100,000 or more, commits a felony of
 151 the first degree, punishable as provided in s. 775.082, s.
 152 775.083, or s. 775.084.

153 (c) The department shall give written notice of the duty to
 154 collect taxes or fees to the dealer by personal service, by
 155 sending notice to the dealer's last known address by registered
 156 mail, or both.

157 Section 3. effective July 1, 2014, paragraph (d) of
 158 subsection (2) of section 212.12, Florida Statutes, is amended
 159 to read:

160 212.12 Dealer's credit for collecting tax; penalties for
 161 noncompliance; powers of Department of Revenue in dealing with
 162 delinquents; brackets applicable to taxable transactions;
 163 records required.-

164 (2)

165 (d) A Any person who makes a false or fraudulent return and
 166 who has with a willful intent to evade payment of any tax or fee
 167 imposed under this chapter ~~is,~~ any person who, after the
 168 department's delivery of a written notice to the person's last
 169 known address specifically alerting the person of the
 170 requirement to register the person's business as a dealer,
 171 intentionally fails to register the business; and any person
 172 who, after the department's delivery of a written notice to the
 173 person's last known address specifically alerting the person of
 174 the requirement to collect tax on specific transactions,

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175 ~~intentionally fails to collect such tax, shall, in addition to~~
 176 ~~the other penalties provided by law, be liable for a specific~~
 177 ~~penalty of 100 percent of any unreported or any uncollected tax~~
 178 ~~or fee. This penalty is in addition to any other penalty~~
 179 ~~provided by law. A person who makes a false or fraudulent return~~
 180 ~~with a willful intent to evade payment of taxes or fees~~
 181 ~~totaling:~~

182 1. Less than \$300:

183 a. For a first offense, commits a misdemeanor of the second
 184 degree, punishable as provided in s. 775.082 or s. 775.083.

185 b. For a second offense, commits a misdemeanor of the first
 186 degree, punishable as provided in s. 775.082 or s. 775.083.

187 c. For a third or subsequent offense, commits a felony of
 188 the third degree, punishable as provided in s. 775.082, s.
 189 775.083, or s. 775.084.

190 2. An amount equal to \$300 or more, but less than \$20,000,
 191 commits a felony of the third degree, punishable as provided in
 192 s. 775.082, s. 775.083, or s. 775.084.

193 3. An amount equal to \$20,000 or more, but less than
 194 \$100,000, commits a felony of the second degree, punishable as
 195 provided in s. 775.082, s. 775.083, or s. 775.084.

196 4. An amount equal to \$100,000 or more, commits a felony of
 197 the first degree, punishable and, upon conviction, for fine and
 198 punishment as provided in s. 775.082, s. 775.083, or s. 775.084.
 199 ~~Delivery of written notice may be made by certified mail, or by~~
 200 ~~the use of such other method as is documented as being necessary~~
 201 ~~and reasonable under the circumstances. The civil and criminal~~
 202 ~~penalties imposed herein for failure to comply with a written~~
 203 ~~notice alerting the person of the requirement to register the~~

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204 ~~person's business as a dealer or to collect tax on specific~~
 205 ~~transactions shall not apply if the person timely files a~~
 206 ~~written challenge to such notice in accordance with procedures~~
 207 ~~established by the department by rule or the notice fails to~~
 208 ~~clearly advise that failure to comply with or timely challenge~~
 209 ~~the notice will result in the imposition of the civil and~~
 210 ~~criminal penalties imposed herein.~~

211 ~~1. If the total amount of unreported or uncollected taxes~~
 212 ~~or fees is less than \$300, the first offense resulting in~~
 213 ~~conviction is a misdemeanor of the second degree, the second~~
 214 ~~offense resulting in conviction is a misdemeanor of the first~~
 215 ~~degree, and the third and all subsequent offenses resulting in~~
 216 ~~conviction is a misdemeanor of the first degree, and the third~~
 217 ~~and all subsequent offenses resulting in conviction are felonies~~
 218 ~~of the third degree.~~

219 ~~2. If the total amount of unreported or uncollected taxes~~
 220 ~~or fees is \$300 or more but less than \$20,000, the offense is a~~
 221 ~~felony of the third degree.~~

222 ~~3. If the total amount of unreported or uncollected taxes~~
 223 ~~or fees is \$20,000 or more but less than \$100,000, the offense~~
 224 ~~is a felony of the second degree.~~

225 ~~4. If the total amount of unreported or uncollected taxes~~
 226 ~~or fees is \$100,000 or more, the offense is a felony of the~~
 227 ~~first degree.~~

228 Section 4. Effective July 1, 2014, subsection (4) of
 229 section 212.14, Florida Statutes, is amended to read:
 230 212.14 Departmental powers; hearings; distress warrants;
 231 bonds; subpoenas and subpoenas duces tecum.—
 232 (4) In all cases where it is necessary to ensure compliance

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233 with ~~the provisions of~~ this chapter, the department shall
 234 require a cash deposit, bond, or other security as a condition
 235 to a person obtaining or retaining a dealer's certificate of
 236 registration under this chapter. Such bond ~~must shall~~ be in the
 237 form and ~~such~~ amount ~~as~~ the department deems appropriate under
 238 the particular circumstances. ~~A Every~~ person failing to produce
 239 such cash deposit, bond, or other security ~~is as provided for~~
 240 ~~herein shall~~ not be entitled to obtain or retain a dealer's
 241 certificate of registration under this chapter, and the
 242 Department of Legal Affairs is hereby authorized to proceed by
 243 injunction, ~~if when so~~ requested by the Department of Revenue,
 244 to prevent such person from doing business subject to ~~the~~
 245 ~~provisions of~~ this chapter until such cash deposit, bond, or
 246 other security is posted with the department, and any temporary
 247 injunction for this purpose may be granted by any judge or
 248 chancellor authorized by law to grant injunctions. Any security
 249 required to be deposited may be sold by the department at public
 250 sale if ~~it becomes necessary so to do~~ in order to recover any
 251 tax, interest, or penalty due. Notice of such sale may be served
 252 personally or by mail upon the person who deposited ~~the such~~
 253 security. If by mail, notice sent to the last known address as
 254 ~~it the same~~ appears on the records of the department ~~is shall be~~
 255 sufficient for the purpose of this requirement. Upon such sale,
 256 the surplus, if any, above the amount due under this chapter
 257 shall be returned to the person who deposited the security. The
 258 department may adopt rules necessary to administer this
 259 subsection. For the purpose of the cash deposit, bond, or other
 260 security required by this subsection, the term "person" includes
 261 those entities defined in s. 212.02(12), as well as:

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262 (a) An individual or entity owning a controlling interest
 263 in a business;
 264 (b) An individual or entity that acquired an ownership
 265 interest or a controlling interest in a business that would
 266 otherwise be liable for posting a cash deposit, bond, or other
 267 security, unless the department has determined that the
 268 individual or entity is not liable for the taxes, interest, or
 269 penalties described in s. 213.758; or
 270 (c) An individual or entity seeking to obtain a dealer's
 271 certificate of registration for a business that will be operated
 272 at the same location as a previous business that would otherwise
 273 have been liable for posting a cash deposit, bond, or other
 274 security, if the individual or entity fails to provide evidence
 275 that the business was acquired for consideration in an arms-
 276 length transaction.

277 Section 5. Effective July 1, 2014, subsection (3) of
 278 section 212.18, Florida Statutes, is amended to read:
 279 212.18 Administration of law; registration of dealers;
 280 rules.-
 281 (3) (a) A Every person desiring to engage in or conduct
 282 business in this state as a dealer, ~~as defined in this chapter,~~
 283 or to lease, rent, or let or grant licenses in living quarters
 284 or sleeping or housekeeping accommodations in hotels, apartment
 285 houses, roominghouses, or tourist or trailer camps that are
 286 subject to tax under s. 212.03, or to lease, rent, or let or
 287 grant licenses in real property, ~~as defined in this chapter,~~ and
 288 a every person who sells or receives anything of value by way of
 289 admissions, must file with the department an application for a
 290 certificate of registration for each place of business. The

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291 ~~application must include, showing~~ the names of the persons who
 292 have interests in such business and their residences, the
 293 address of the business, and ~~such~~ other data reasonably required
 294 ~~by~~ as the department ~~may reasonably require~~. However, owners and
 295 operators of vending machines or newspaper rack machines are
 296 required to obtain only one certificate of registration for each
 297 county in which such machines are located. The department, by
 298 rule, may authorize a dealer that uses independent sellers to
 299 sell its merchandise to remit tax on the retail sales price
 300 charged to the ultimate consumer in lieu of having the
 301 independent seller register as a dealer and remit the tax. The
 302 department may appoint the county tax collector as the
 303 department's agent to accept applications for registrations. The
 304 application must be submitted ~~made~~ to the department before the
 305 person, firm, copartnership, or corporation may engage in such
 306 business, and it must be accompanied by a registration fee of
 307 \$5. However, a registration fee is not required to accompany an
 308 application to engage in or conduct business to make mail order
 309 sales. The department may waive the registration fee for
 310 applications submitted through the department's Internet
 311 registration process.

312 (b) The department, upon receipt of such application, shall
 313 ~~will~~ grant to the applicant a separate certificate of
 314 registration for each place of business, which certificate may
 315 be canceled by the department or its designated assistants for
 316 any failure by the certificateholder to comply with ~~any of the~~
 317 ~~provisions of~~ this chapter. The certificate is not assignable
 318 and is valid only for the person, firm, copartnership, or
 319 corporation to which issued. The certificate must be placed in a

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320 conspicuous place in the business or businesses for which it is
 321 issued and must be displayed at all times. Except as provided in
 322 this subsection, ~~a no~~ person ~~may not shall~~ engage in business as
 323 a dealer or in leasing, renting, or letting of or granting
 324 licenses in living quarters or sleeping or housekeeping
 325 accommodations in hotels, apartment houses, roominghouses,
 326 tourist or trailer camps, or real property, ~~or as hereinbefore~~
 327 ~~defined, nor shall any person~~ sell or receive anything of value
 328 by way of admissions, without a valid ~~first having obtained such~~
 329 ~~a certificate. A~~ ~~or after such certificate has been canceled, no~~
 330 person ~~may not shall~~ receive a ~~any~~ license from any authority
 331 within the state to engage in any such business without a valid
 332 certificate ~~first having obtained such a certificate or after~~
 333 ~~such certificate has been canceled. A person may not engage~~ The
 334 ~~engaging~~ in the business of selling or leasing tangible personal
 335 property or services ~~or as a dealer; engage, as defined in this~~
 336 ~~chapter, or the engaging~~ in leasing, renting, or letting of or
 337 granting licenses in living quarters or sleeping or housekeeping
 338 accommodations in hotels, apartment houses, roominghouses, or
 339 tourist or trailer camps that are taxable under this chapter, or
 340 real property; ~~or engage~~ the engaging in the business of
 341 selling or receiving anything of value by way of admissions,
 342 without a valid ~~such certificate first being obtained or after~~
 343 ~~such certificate has been canceled by the department, is~~
 344 ~~prohibited.~~

345 (c)1. A ~~The failure or refusal of any person who engages in~~
 346 acts requiring a certificate of registration under this
 347 subsection and who fails or refuses to register commits, ~~firm,~~
 348 ~~copartnership, or corporation to so qualify when required~~

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349 ~~hereunder is~~ a misdemeanor of the first degree, punishable as
 350 provided in s. 775.082 or s. 775.083. ~~Such acts are, or~~ subject
 351 to injunctive proceedings as provided by law. A person who
 352 engages in acts requiring a certificate of registration and who
 353 fails or refuses to register is also subject ~~Such failure or~~
 354 ~~refusal also subjects the offender~~ to a \$100 initial
 355 registration fee in lieu of the \$5 registration fee required by
 356 ~~authorized in~~ paragraph (a). However, the department may waive
 357 the increase in the registration fee if it finds is determined
 358 ~~by the department~~ that the failure to register was due to
 359 reasonable cause and not to willful negligence, willful neglect,
 360 or fraud.

361 2.a. A person who willfully fails to register after the
 362 department provides notice of the duty to register as a dealer
 363 commits a felony of the third degree, punishable as provided in
 364 s. 775.082, s. 775.083, or s. 775.084.

365 b. The department shall provide written notice of the duty
 366 to register to the person by personal service, by sending notice
 367 by registered mail to the person's last known address, or both.

368 (d)(e) In addition to the certificate of registration, the
 369 department shall provide to each newly registered dealer an
 370 initial resale certificate that will be valid for the remainder
 371 of the period of issuance. The department shall provide each
 372 active dealer with an annual resale certificate. For purposes of
 373 this section, the term "active dealer" means a person who is
 374 currently registered with the department and who is required to
 375 file at least once during each applicable reporting period.

376 (e)(d) The department may revoke a ~~any~~ dealer's certificate
 377 of registration if when the dealer fails to comply with this

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378 chapter. ~~Before~~ Prior to revocation of a dealer's certificate of
 379 registration, the department must schedule an informal
 380 conference at which the dealer may present evidence regarding
 381 the department's intended revocation or enter into a compliance
 382 agreement with the department. The department must notify the
 383 dealer of its intended action and the time, place, and date of
 384 the scheduled informal conference by written notification sent
 385 by United States mail to the dealer's last known address of
 386 record furnished by the dealer on a form prescribed by the
 387 department. The dealer is required to attend the informal
 388 conference and present evidence refuting the department's
 389 intended revocation or enter into a compliance agreement with
 390 the department which resolves the dealer's failure to comply
 391 with this chapter. The department shall issue an administrative
 392 complaint under s. 120.60 if the dealer fails to attend the
 393 department's informal conference, fails to enter into a
 394 compliance agreement with the department resolving the dealer's
 395 noncompliance with this chapter, or fails to comply with the
 396 executed compliance agreement.

397 (f)(e) As used in this paragraph, the term "exhibitor"
 398 means a person who enters into an agreement authorizing the
 399 display of tangible personal property or services at a
 400 convention or a trade show. The following provisions apply to
 401 the registration of exhibitors as dealers under this chapter:
 402 1. An exhibitor whose agreement prohibits the sale of
 403 tangible personal property or services subject to the tax
 404 imposed in this chapter is not required to register as a dealer.
 405 2. An exhibitor whose agreement provides for the sale at
 406 wholesale only of tangible personal property or services subject

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407 to the tax imposed under ~~in~~ this chapter must obtain a resale
408 certificate from the purchasing dealer but is not required to
409 register as a dealer.

410 3. An exhibitor whose agreement authorizes the retail sale
411 of tangible personal property or services subject to the tax
412 imposed under ~~in~~ this chapter must register as a dealer and
413 collect the tax ~~imposed under this chapter~~ on such sales.

414 4. ~~An~~ Any exhibitor who makes a mail order sale pursuant to
415 s. 212.0596 must register as a dealer.

416

417 A ~~Any~~ person who conducts a convention or a trade show must make
418 his or her ~~their~~ exhibitor's agreements available to the
419 department for inspection and copying.

420 Section 6. Effective July 1, 2014, for the purpose of
421 incorporating the amendment made by this act to subsection (3)
422 of section 212.18, Florida Statutes, in a reference thereto,
423 paragraph (c) of subsection (6) of section 212.20, Florida
424 Statutes, is reenacted to read:

425 212.20 Funds collected, disposition; additional powers of
426 department; operational expense; refund of taxes adjudicated
427 unconstitutionally collected.-

428 (6) Distribution of all proceeds under this chapter and s.
429 202.18(1)(b) and (2)(b) shall be as follows:

430 (c) Proceeds from the fees imposed under ss. 212.05(1)(h)3.
431 and 212.18(3) shall remain with the General Revenue Fund.

432 Section 7. Subsection (5) of section 213.13, Florida
433 Statutes, is amended to read:

434 213.13 Electronic remittance and distribution of funds
435 collected by clerks of the court.-

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436 (5) All court-related collections, including fees, fines,
437 reimbursements, court costs, and other court-related funds that
438 the clerks must remit to the state pursuant to law, must be
439 transmitted electronically by the 10th ~~20th~~ day of the month
440 immediately following the month in which the funds are
441 collected.

442 Section 8. Paragraph (a) of subsection (2) of section
443 213.21, Florida Statutes, is amended to read:

444 213.21 Informal conferences; compromises.-

445 (2)(a) The executive director of the department or his or
446 her designee is authorized to enter into closing agreements with
447 any taxpayer settling or compromising the taxpayer's liability
448 for any tax, interest, or penalty assessed under any of the
449 chapters specified in s. 72.011(1). Such agreements must shall
450 be in writing if when the amount of tax, penalty, or interest
451 compromised exceeds \$30,000, or for lesser amounts, if when the
452 department deems it appropriate or if when requested by the
453 taxpayer. When a written closing agreement has been approved by
454 the department and signed by the executive director or his or
455 her designee and the taxpayer, it shall be final and conclusive;
456 and, except upon a showing of fraud or misrepresentation of
457 material fact or except as to adjustments pursuant to ss. 198.16
458 and 220.23, no additional assessment may be made by the
459 department against the taxpayer for the tax, interest, or
460 penalty specified in the closing agreement for the time period
461 specified in the closing agreement, and the taxpayer is shall
462 not ~~be~~ entitled to institute any judicial or administrative
463 proceeding to recover any tax, interest, or penalty paid
464 pursuant to the closing agreement. The department is authorized

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465 to delegate to the executive director the authority to approve
466 any such closing agreement resulting in a tax reduction of
467 \$500,000 ~~\$250,000~~ or less.

468 Section 9. Effective July 1, 2014, section 213.295, Florida
469 Statutes, is created to read:

470 213.295 Automated sales suppression devices.-

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

472 (a) "Automated sales suppression device" or "zapper" means
473 a software program that falsifies the electronic records of
474 electronic cash registers or other point-of-sale systems,
475 including, but not limited to, transaction data and transaction
476 reports. The term includes the software program, any device that
477 carries the software program, or an Internet link to the
478 software program.

479 (b) "Electronic cash register" means a device that keeps a
480 register or supporting documents through the use of an
481 electronic device or computer system designed to record
482 transaction data for the purpose of computing, compiling, or
483 processing retail sales transaction data in whatever manner.

484 (c) "Phantom-ware" means a hidden programming option
485 embedded in the operating system of an electronic cash register
486 or hardwired into the electronic cash register which may be used
487 to create a second set of records or eliminate or manipulate
488 transaction records, which may or may not be preserved in
489 digital formats, to represent the true or manipulated record of
490 transactions in the electronic cash register.

491 (d) "Transaction data" includes the identification of items
492 purchased by a customer; the price for each item; a taxability
493 determination for each item; a segregated tax amount for each of

576-02230-14 20141654__

494 the taxed items; the amount of cash or credit tendered; the net
495 amount returned to the customer in change; the date and time of
496 the purchase; the name, address, and identification number of
497 the vendor; and the receipt or invoice number of the
498 transaction.

499 (e) "Transaction report" means a report that documents, but
500 is not limited to documenting, the sales, taxes, or fees
501 collected, media totals, and discount voids at an electronic
502 cash register and is printed on a cash register tape at the end
503 of a day or a shift, or a report that documents every action at
504 an electronic cash register and is stored electronically.

505 (2) A person may not knowingly sell, purchase, install,
506 transfer, possess, use, or access an automated sales suppression
507 device, a zapper, or phantom-ware.

508 (3) A person who violates this section:

509 (a) Commits a felony of the third degree, punishable as
510 provided in s. 775.082, s. 775.083, or s. 775.084.

511 (b) Is liable for all taxes, fees, penalties, and interest
512 due the state which result from the use of an automated sales
513 suppression device, a zapper, or phantom-ware and shall forfeit
514 to the state as an additional penalty all profits associated
515 with the sale or use of an automated sales suppression device, a
516 zapper, or phantom-ware.

517 (4) An automated sales suppression device, a zapper,
518 phantom-ware, or any device containing such device or software
519 is a contraband article under ss. 932.701-932.706, the Florida
520 Contraband Forfeiture Act.

521 Section 10. Paragraph (h) of subsection (3) of section
522 443.131, Florida Statutes, is amended to read:

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20141654__

523 443.131 Contributions.-

524 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
525 EXPERIENCE.-526 (h) *Additional conditions for variation from the standard*
527 *rate.*-An employer's contribution rate may not be reduced below
528 the standard rate under this section unless:529 1. All contributions, reimbursements, interest, and
530 penalties incurred by the employer for wages paid by him or her
531 in all previous calendar quarters, except the 4 calendar
532 quarters immediately preceding the calendar quarter or calendar
533 year for which the benefit ratio is computed, are paid; ~~and~~534 2. The employer has produced for inspection and copying all
535 work records in his or her possession, custody, or control which
536 were requested by the Department of Economic Opportunity or its
537 tax collection service provider pursuant to s. 443.171(5). An
538 employer shall have at least 60 days to provide the requested
539 work records before the employer is assigned the standard rate;
540 and541 ~~3.2-~~ The employer entitled to a rate reduction must have at
542 least one annual payroll as defined in subparagraph (b)1. unless
543 the employer is eligible for additional credit under the Federal
544 Unemployment Tax Act. If the Federal Unemployment Tax Act is
545 amended or repealed in a manner affecting credit under the
546 federal act, this section applies only to the extent that
547 additional credit is allowed against the payment of the tax
548 imposed by the ~~Federal Unemployment Tax~~ act.549
550 The tax collection service provider shall assign an earned
551 contribution rate to an employer for under subparagraph 1. the

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

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20141654__

552 quarter immediately after the quarter in which all
553 contributions, reimbursements, interest, and penalties are paid
554 in full and all work records requested pursuant to s. 443.171(5)
555 have been produced for inspection and copying by the Department
556 of Economic Opportunity or the tax collection service provider.557 Section 11. Effective January 1, 2015, paragraph (a) of
558 subsection (1) and paragraph (b) of subsection (2) of section
559 443.141, Florida Statutes, are amended to read:560 443.141 Collection of contributions and reimbursements.-
561 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
562 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.-563 (a) *Interest.*-Contributions or reimbursements unpaid on the
564 date due bear interest at the rate of 1 percent per month
565 through December 31, 2014. Beginning January 1, 2015, the
566 interest rate shall be calculated in accordance with s. 213.235,
567 except that the rate of interest may not exceed 1 percent per
568 month from and after the ~~that~~ date due until payment plus
569 accrued interest is received by the tax collection service
570 provider, unless the service provider finds that the employing
571 unit has good reason for failing to pay the contributions or
572 reimbursements when due. Interest collected under this
573 subsection must be paid into the Special Employment Security
574 Administration Trust Fund.

575 (2) REPORTS, CONTRIBUTIONS, APPEALS.-

576 (b) *Hearings.*-The determination and assessment are final 20
577 15 days after the date the assessment is mailed unless the
578 employer files with the tax collection service provider within
579 the 20 ~~15~~ days a written protest and petition for hearing
580 specifying the objections ~~thereto~~. The tax collection service

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

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581 provider shall promptly review each petition and may reconsider
 582 its determination and assessment in order to resolve the
 583 petitioner's objections. The tax collection service provider
 584 shall forward each unresolved petition ~~remaining unresolved~~ to
 585 the department for a hearing on the objections. Upon receipt of
 586 a petition, the department shall schedule a hearing and notify
 587 the petitioner of the time and place of the hearing. The
 588 department may appoint special deputies to conduct hearings who
 589 shall ~~and to~~ submit their findings together with a transcript of
 590 the proceedings before them and their recommendations to the
 591 department for its final order. Special deputies are subject to
 592 the prohibition against ex parte communications in s. 120.66. At
 593 any hearing conducted by the department or its special deputy,
 594 evidence may be offered to support the determination and
 595 assessment or to prove it is incorrect. In order to prevail,
 596 however, the petitioner must ~~either~~ prove that the determination
 597 and assessment are incorrect or file full and complete corrected
 598 reports. Evidence may also be submitted ~~at the hearing~~ to rebut
 599 the determination by the tax collection service provider that
 600 the petitioner is an employer under this chapter. Upon evidence
 601 taken before it or upon the transcript submitted to it with the
 602 findings and recommendation of its special deputy, the
 603 department shall ~~either~~ set aside the tax collection service
 604 provider's determination that the petitioner is an employer
 605 under this chapter or reaffirm the determination. The amounts
 606 assessed under the final order, together with interest and
 607 penalties, must be paid within 15 days after notice of the final
 608 order is mailed to the employer, unless judicial review is
 609 instituted in a case of status determination. Amounts due when

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20141654__

610 the status of the employer is in dispute are payable within 15
 611 days after the entry of an order by the court affirming the
 612 determination. However, ~~a any~~ determination that an employing
 613 unit is not an employer under this chapter does not affect the
 614 benefit rights of an any individual as determined by an appeals
 615 referee or the commission unless:
 616 1. The individual is made a party to the proceedings before
 617 the special deputy; or
 618 2. The decision of the appeals referee or the commission
 619 has not become final or the employing unit and the department
 620 were not made parties to the proceedings before the appeals
 621 referee or the commission.
 622 Section 12. Except as otherwise expressly provided in this
 623 act, this act shall take effect upon becoming a law.
 624

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 3/17/14

Topic Tax Administration

Bill Number 1654 (if applicable)

Name Terry Lewis

Amendment Barcode 780768 (if applicable)

Job Title ATTORNEY

Address 515 N. FLAGLER DR.

Phone 561-640-0821

Street West Palm Beach
City State Zip

E-mail TLEWIS@LLW-LAW.COM

Speaking: For Against Information

Representing ST LOUIS COUNTY

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date 3/17/14

Topic Support Amendment

Bill Number 1654

(if applicable)

Name Mat Forrest

Amendment Barcode 269490

(if applicable)

Job Title Lobbyist

Address 403 E. Park Av.

Phone 850-577-0444

Street Tollhorne State FL Zip 32201

E-mail _____

Speaking: For Against Information

Representing Florida Assoc. of Destination Marketing Organization.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/2014
Meeting Date

Topic _____ Bill Number 1659 (if applicable)

Name BRIAN PITTS Amendment Barcode _____ (if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH Phone 727-897-9291

Street SAINT PETERSBURG State FLORIDA Zip 33705

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

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

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

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

584

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Jesse Panuccio

is duly appointed Executive Director,

Executive Director,

Department of Economic Opportunity

for a term beginning on the

Sixteenth day of May, A.D., 2013,

to serve at the pleasure of the Governor

and is subject to be confirmed by the Senate

during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eleventh day of July, A.D., 2013.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word 'VOID' will appear

State of Florida appears in small letters across the face of this 8 1/2 x 11" document

OATH OF OFFICE
(Art. II, § 5(b), Fla. Const.)

RECEIVED
CLERK OF STATE
2013 JUL 10 AM 10:19
DIVISION OF COLLECTIONS
TALLHASSEE, FL

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Executive Director, Department of Economic Opportunity

(Title of Office)

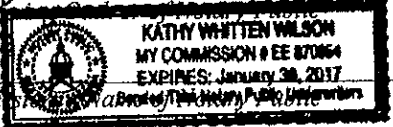
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature [Handwritten Signature]

Sworn to and subscribed before me this 9th day of July, 2013

Signature of Officer Administering Oath Kathy Whitten Wilson



Print, Type, or Stamp Commission

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

2050 Gardenbrook Lane

Street or Post Office Box

Tallahassee, Florida 32301

City, State, Zip Code

Jesse Panuccio

Print name as you desire commission issued

Signature [Handwritten Signature]



RICK SCOTT
GOVERNOR

RECEIVED
DEPT. OF STATE
2013 MAY 30 PM 3:31

DEPT. OF REVENUE
TALLAHASSEE, FL

May 30, 2013

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have amended the following reappointment under the provisions of Section 1001.71, Florida Statutes:

Mr. Jesse M. Panuccio
2050 Gardenbrook Lane
Tallahassee, Florida 32301

as Executive Director of the Department of Economic Opportunity, subject to confirmation by the Senate. This appointment is effective May 16, 2013, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

104733

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

7-9-13

Date Completed

1. Name: Mr. Panuccio Jesse M.
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 107 East Madison Street Suite 212 Tallahassee
Street Office # City
FL 32399 (850) 245-7298
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 2050 Gardenbrook Lane Tallahassee Leon
Street City County
FL 32301 (850) 692-3179
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
2050 Gardenbrook Lane	Tallahassee, FL	Feb. 2011	Present
1200 N. Veitch St.	Arlington, VA	Oct. 2007	Jan. 2011

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
1200 N. Veitch St.	Arlington, VA	Oct. 2007	Jan. 2011
480 N. Wall Street	Salt Lake City, UT	Aug. 2006	Aug. 2007
44 Martin Street	Cambridge, MA	Aug. 2004	May 2006*
Harvard Law School	Cambridge, MA	Aug. 2003	May 2004*
(See attached)			

5. Date of Birth: Nov. 1, 1980 Place of Birth: New Jersey

6. Social Security Number: _____

7. Driver License Number _____ ing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

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 DEPARTMENT OF STATE
 DIVISION OF ELECTIONS
 TALLAHASSEE, FL
 2013 JUL 10 AM 10:19

Questionnaire for Senate Confirmation (attachment)

Continuation of Question #4.(B)

Duke University	Durham, NC	Jan. 2003 – May 2003*
Hotel At. George Student Housing	NYC, NY	Jan. 2002 – June 2002
GW University	Washington, DC	Summer 2002

*During summers between school years (college & law), I lived in various locations, but cannot recall each of these temporary addresses. The locations were in Pompano Beach, FL; Montgomery, AL; and Washington, D.C.

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 2011

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Leon B. Current Party Affiliation: Republican

12. Education

A. High School: Morris Hills High School, Rockaway, NJ Year Graduated: 1999
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Duke University</u>	<u>1999-2003</u>	<u>BA</u>
<u>Harvard Law School</u>	<u>2003-2006</u>	<u>JD</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
<u>I received a speeding ticket in Virginia on 4/2/00, but my records do not reflect the amount of the fine, so I cannot definitively answer "yes" or "no" to this question as worded. Other than the speeding ticket, the answer is "no."</u>			

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>DEO, Tallahassee, FL</u>	<u>Government</u>	<u>Executive Director</u>	<u>Jan. 2013 - present</u>
<u>EOG, Tallahassee, FL</u>	<u>Government</u>	<u>General Counsel</u>	<u>Mar. 2012 - Jan. 2013</u>
<u>EOG, Tallahassee, FL</u>	<u>Government</u>	<u>Deputy General Counsel</u>	<u>Feb. 2011 - Mar. 2012</u>
<u>Cooper & Kirk, PLLC</u>	<u>Law Firm</u>	<u>Associate</u>	<u>2007 - 2011</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>See answer to #15.</u>		

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

For two years in the EOG legal office, I gained a deep understanding of how state agencies function. Working closely with the Governor also allowed me to understand and appreciate his vision for a government that is transparent, accountable, and efficient. In addition, because DEO is chiefly a compliance and monitoring agency, my background as an attorney will serve me well in this position. Moreover, with several months on the job at DEO, I believe I have learned a great deal about its critical functions, its challenges, and its potential for helping our economy thrive.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

My BA is in Public Policy. I also have a JD.

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

N/A

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
General Counsel, EOG	Mar. 2012	N/A	State
Deputy General Counsel, EOG	Feb. 2011	N/A	State

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: Executive Director

B. Term of Appointment: Pleasure of Governor

C. Confirmation results: Unanimous approval by three committees of relevance; No action by full Senate Chamber.

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
Law license	10/20/2006	Florida Supreme Court	N/A
_____	_____	_____	_____
_____	_____	_____	_____

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
I submitted a "lobbyist" registration to the extent that it is required of the Executive Director of DEO.	

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
David Thompson			
Charlie Trippe			
Michael Sevi			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Florida Bar	651 E. Jefferson St., Tallahassee, FL 32301	Member	10/06 - present*
Federalist Society	1015 18th St., NW, DC 20036	Member	2003 - present
Republican Nat'l Lawyers Assn	POB 18965, DC 20036	Member	2004 & intermittant
Life University Bd. of Trustees	1269 Barclay Cir, Marietta, GA 30060	Member	2009 - present

* Membership in the Florida Bar is required by law in order to practice in the state of Florida.

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

- Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

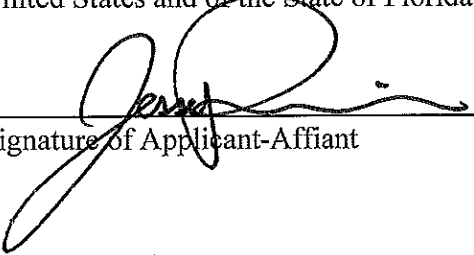
The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

CERTIFICATION

RECEIVED
DEPARTMENT OF STATE
2013 JUL 10 AM 10:19
DIVISION OF ELECTIONS
TALLAHASSEE, FL

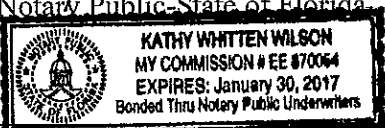
STATE OF FLORIDA
COUNTY OF Leon

Before me, the undersigned Notary Public of Florida, personally appeared Jesse M. Panuccio, who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.


Signature of Applicant-Affiant

Sworn to and subscribed before me this 9th day of July, 2013.


Signature of Notary Public, State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 1-30-17

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/2014
Meeting Date

Topic DEO Configuration

Bill Number Executive Director
(if applicable)

Name Brian Ditts

Amendment Barcode _____
(if applicable)

Job Title Trustee

Address ~~St Petersburg~~ 1119 Newton Ave S.

Phone 727/897-9291

Street St Petersburg State FL Zip 33705

E-mail justice2jesus@yahoo.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

CourtSmart Tag Report

Room: EL 110

Case:

Caption: Senate Commerce and Tourism Committee

Type:

Judge:

Started: 3/17/2014 4:32:32 PM

Ends: 3/17/2014 5:45:10 PM

Length: 01:12:39

4:32:34 PM Call to order
4:33:10 PM Tab 6 SB 1654 Senator Hukill
4:34:20 PM Amendment 1 barcode 780768
4:35:21 PM Amendment 2 barcode 269490
4:36:17 PM Senator Hukill
4:37:19 PM Roll call on SB 1654
4:37:42 PM Bill passes
4:38:07 PM Tab 2 TP'd
4:38:32 PM Tab 7 Senate Confirmation Hearing Jesse Pannucio
4:47:12 PM Senator Detert
4:51:14 PM Senator Thompson
4:51:58 PM Senator Ring
5:05:05 PM Speaker Brian Pitts representing Justice 2 Jesus
5:09:33 PM Roll call on Jesse Pannucio's Confirmation
5:10:32 PM Motion passes
5:10:45 PM Tab 4 SB 1184 Senator Brandes
5:11:21 PM Amendment 1 barcode 879080
5:12:11 PM Speaker Melissa Ramba representing Florida Retail Federation
5:13:15 PM Speaker Jeff Sharkey representing Leon County
5:14:20 PM Speaker Claudia Frese representing herself
5:15:14 PM Speaker Mark Soroko representing himself
5:16:15 PM Speaker J.R. Harding representing Persons with Disabilities
5:21:49 PM Senator Bean
5:23:07 PM Senator Stargel
5:23:47 PM Roll call on SB 1184
5:23:56 PM Bill passes
5:24:16 PM Tab 1 SB 136 Senator Ring
5:25:43 PM Speaker Brian Pitts representing Justice 2 Jesus
5:27:19 PM Senator Bean
5:28:15 PM Roll call on SB 136
5:28:29 PM Bill passes
5:28:39 PM Tab 3 SB 1150 Senator Bean
5:29:37 PM Amendment 1 barcode 156714
5:29:52 PM Amendment 2 barcode 319040
5:30:57 PM Speaker Layne Smith representing Mayo Clinic
5:32:26 PM Senator Thompson
5:33:36 PM Speaker Brian Pitts representing Justice 2 Jesus
5:36:11 PM Senator Thompson
5:37:59 PM Senator Ring
5:39:02 PM Roll call on SB 1150
5:39:04 PM Bill passes
5:39:32 PM Tab 5 SB 1556 Senator Simpson
5:39:53 PM Amendment 1 barcode 156186
5:41:05 PM Senator Stargel
5:43:01 PM Speaker Amy Datz representing herself and Democratic Environmental Caucus of Florida
5:44:06 PM Roll call on SB 1556
5:44:30 PM Bill passes
5:44:57 PM Adjournment