

SB 242 by **Brandes**; Publicly Funded Retirement Plans

SB 522 by **Brandes**; (Identical to H 4007) Division of Bond Finance

SB 396 by **Detert (CO-INTRODUCERS) Gaetz**; (Identical to H 0821) Florida Historic Capitol

859240	A	S	L	RCS	GO, Hays	Delete L.144 - 145:	02/17 11:03 AM
297294	T	S	L	RCS	GO, Hays	In title, delete L.3 -	02/17 11:03 AM

SB 434 by **Detert**; (Similar to H 0553) Public Libraries

SB 7004 by **HE**; (Similar to H 7005) OGSR/Commission for Independent Education

SB 200 by **Latvala**; (Identical to H 0179) Public Records/E-mail Addresses/Tax Notices

285152	A	S		RCS	GO, Hays	Delete L.16 - 18:	02/17 11:03 AM
148956	A	S		RCS	GO, Hays	Delete L.36:	02/17 11:03 AM

SPB 7024 by **GO**; State Board of Administration

SPB 7026 by **GO**; State Group Insurance Program

496174	A	S		FAV	GO, Ring	Delete L.22:	02/17 11:03 AM
507284	A	S		FAV	GO, Ring	Delete L.26 - 27:	02/17 11:03 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
Senator Ring, Chair
Senator Hays, Vice Chair

MEETING DATE: Tuesday, February 17, 2015**TIME:** 10:00 a.m.—12:00 noon**PLACE:** James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building**MEMBERS:** Senator Ring, Chair; Senator Hays, Vice Chair; Senators Bullard, Latvala, and Legg

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 242 Brandes (Compare CS/S 216)	Publicly Funded Retirement Plans; Requiring that actuarial reports for certain retirement plans include mortality tables; revising information to be included in a defined benefit system or plan's annual report to the Department of Management Services; providing a declaration of important state interest, etc. GO 02/17/2015 Favorable CA AP	Favorable Yeas 4 Nays 0
2	SB 522 Brandes (Identical H 4007)	Division of Bond Finance; Deleting a requirement that the division issue a regular newsletter to certain parties which addresses local and state bonds, etc. GO 02/17/2015 Favorable BI FP	Favorable Yeas 4 Nays 0
3	SB 396 Detert	Florida Historic Capitol; Renaming the Legislative Research Center and Museum at the Historic Capitol as the Florida Historic Capitol Museum; creating the Florida Historic Capitol Museum Council; providing for the appointment and qualifications of council members; renaming the position of Capitol Curator as the Florida Historic Capitol Museum Director; revising the composition of the board of directors governing the Florida Historic Capitol Museum's direct-support organization, etc. GO 02/17/2015 Fav/CS AGG AP	Fav/CS Yeas 4 Nays 0
4	SB 434 Detert (Similar H 553)	Public Libraries; Revising the composition and duties of the State Library Council; revising the powers and duties of the Division of Library and Information Services of the Department of State; revising provisions regarding the delivery and distribution of publications; removing a provision requiring the division to provide a centralized microfilming program for state agencies, etc. GO 02/17/2015 Favorable ATD AP	Favorable Yeas 4 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Tuesday, February 17, 2015, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 7004 Higher Education (Similar H 7005)	OGSR/Commission for Independent Education ; Amending provisions relating to exemptions from public records and meeting requirements for investigatory records held by and portions of meetings conducted by the Commission for Independent Education in disciplinary proceedings; saving the exemptions from repeal under the Open Government Sunset Review Act, etc. GO 02/17/2015 Favorable RC	Favorable Yeas 4 Nays 0
6	SB 200 Latvala (Identical H 179)	Public Records/E-mail Addresses/Tax Notices; Providing an exemption from public records requirements for e-mail addresses obtained by a tax collector for the purpose of electronically sending certain tax notices or obtaining the consent of a taxpayer for electronic transmission of certain tax notices; providing for future review and repeal of the exemption; providing a statement of public necessity, etc. CA 02/03/2015 Favorable GO 02/17/2015 Fav/CS RC	Fav/CS Yeas 4 Nays 0
Consideration of proposed bill:			
7	SPB 7024	State Board of Administration; Repealing provisions relating to restrictions on investments in institutions doing business in or with Northern Ireland; establishing conditions for the transfer of any residual balance in the Fund B Surplus Funds Trust Fund upon self-liquidation; requiring that additional income received after distribution of the residual balance be deposited in the Local Government Surplus Funds Trust Fund, etc.	Submitted as Committee Bill Yeas 4 Nays 0
Consideration of proposed bill:			
8	SPB 7026	State Group Insurance Program; Requiring the Department of Management Services to ensure that a health maintenance organization under contract with the department provides reasonable access to certain services to persons younger than 21 years of age; specifying provisions that must be included in a contract between the department and a health maintenance organization, etc.	Submitted as Committee Bill Yeas 4 Nays 0
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 242

INTRODUCER: Senator Brandes

SUBJECT: Publicly Funded Retirement Plans

DATE: February 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	McVaney	GO	Favorable
2.			CA	
3.			AP	

I. Summary:

SB 242 requires local government pension plans, in conducting the actuarial valuations of their pension plans, to use mortality table methodologies consistent with the methodologies used in the most recently published actuarial valuation report of the Florida Retirement System (FRS). In most instances, the mortality tables used will recognize longer lifetimes for annuitants and result in higher annual contributions being required to be paid into the pension funds in the near term.

Similarly, the bill revises the mortality tables to be used in the actuarial disclosures in financial statements submitted to the Department of Management Services. This modification does not impact the actuarial funding of the various pension plans but does provide some information that may be useful when comparing local pension plans and the Florida Retirement System.

To the extent the use of the updated mortality tables result in increases to the normal costs or unfunded liabilities of local government pension plans, this bill will result in higher contributions being paid into the local government pension plans in the near term.

The bill provides for an effective date of July 1, 2015.

II. Present Situation:

Florida Local Retirement Systems and Plans

The Division of Retirement of the Department of Management Services (DMS) reports¹ that as of September 30, 2014, there are 491 defined benefit plans sponsored by 249 local governments in Florida. The vast majority of the plans, 486, are local government defined benefit systems that

¹ Division of Management Services, *Florida Local Government Retirement Systems*, 2014 Annual Report, available online at: http://www.dms.myflorida.com/workforce_operations/retirement/local_retirement_plans/local_retirement_section/local_government_annual_reports (last visited on February 12, 2015).

provide benefits to 87,097 retirees, with 97,677 active employees, and total plan assets of \$30.5 billion.² The average annual pension in these local defined benefit plans is \$25,252, and the average annual required contribution rate as a percentage of payroll is 31.96 percent. The total unfunded actuarial accrued liability for all the defined benefit plans as of September 30, 2014, was \$10.5 billion.

Actuarial Reporting for Local Government Pension Plans

Public pension plans, including the municipal police and firefighter pension plans, are required to have regularly scheduled actuarial reports prepared and certified by an enrolled actuary, at least every three years. The actuarial reports must include at least the following information:

- Adequacy of employer and employee contributions;
- A plan to amortize any unfunded liability, and a description of actions taken to reduce the unfunded liability;
- A description and explanation of actuarial assumptions;
- A schedule illustrating the amortization of unfunded liabilities, if any;
- A comparative review illustrating the actual salary increases granted and the rate of investment return realized over the 3-year period preceding the actuarial report with the assumptions used in both the preceding and current actuarial reports;
- A disclosure of the present value of the plan's accrued vested, nonvested, and total benefits, as adopted by the Financial Accounting Standards Board, using the Florida Retirement System's assumed rate of return; and
- A statement by the enrolled actuary that the report is complete and accurate and that the techniques and assumptions used are reasonable and meet the requirements of state law.

The actuarial cost methods used to establish the annual normal costs of the plans must be those methods approved in the Employee Retirement Income Security Act of 1974.³

The actuarial reports must be submitted to the DMS. DMS is required to review each report to determine whether the actuarial valuation is complete, accurate, and based on reasonable assumptions.⁴

The board of trustees for a local government pension plan, with guidance from its professional advisors, is permitted to choose the mortality table to be used in the actuarial valuation report in the determination of actuarially required contributions for the plan. The table below shows the various mortality tables used by local government retirement plans and the frequency of use among the plans.

² The other 6 plans are school board early retirement programs that provide benefits to 1,686 retirees, with active plan membership of 4,506, and total plan assets of \$64.8 million.

³ Section 112.63(1)(f), F.S.

⁴ Section 112.63(4)(a), F.S.

Mortality Table	Number of local government plans using this table
1983 Group Annuity Mortality (GAM 83)	20
1994 Group Annuity Mortality (GAM 94)	10
1994 Group Annuity Mortality with Scale AA (GAR 94)	7
Uninsured Population 1994 (UP 94)	4
Retirement Plans 2000 (RP 2000)	437
Internal Revenue Service Prescribed	8
Other	3
Total	489

Section 112.664, F.S., requires additional reporting requirements for all publicly-funded defined benefit retirement plans, other than FRS. The following information must be provided to DMS annually, within 60 days after receipt of the certified actuarial report submitted after the close of the plan year that ends after June 30, 2014, and thereafter in each year in which an actuarial valuation of the plan is done:

- Annual financial statements in compliance with the requirements of the Government Accounting Standards Board's Statement No. 67, Financial Reporting for Pension Plans and Statement No. 68 Accounting and Financial Reporting for Pensions using RP-2000 Combined Healthy Participant Mortality Tables, by gender, with generational projection by Scale AA.
- Annual financial statements similar to GASB, but which use an assumed rate of return and assumed discount rate 200 basis points less than a plan's assumed rate of return.
- The number of months or years for which the current market value of assets is adequate to sustain the payment of expected retirement benefits.
- The recommended contributions to the plan based on financial statements stated as an annual dollar value and a percentage of valuation payroll.

Plans that fail to submit timely the required information within 60 days after receipt of the plan's actuarial report will be deemed to be in noncompliance. DMS may notify the Department of Revenue (DOR) and Department of Financial Services (DFS) of the noncompliance, and DOR and DFS must withhold funds payable to the plan sponsor, which are not pledged towards bond debt service. The bill gives plan sponsors administrative rights if these actions are taken.

Mortality Tables

Section 430 of the Internal Revenue Code (IRC) outlines minimum funding standards for single-employer defined benefit pension plans. Section 430(h)(3) of the IRC provides that the Secretary of the Treasury must by regulation prescribe mortality tables to be used in determining any present value or making any computation under section 430 of the Code, implemented as the RP-2000 Mortality Tables.⁵

The FRS uses different mortality tables for its general employee and special risk classes for non-disability retirement. The 2014 FRS Valuation used the RP 2000 mortality table with Scale BB

⁵ RP-2000 Mortality Tables are available at http://www.pensionsoft.com/references_mort_other.html (last visited on March 20, 2013).

with varying mixes of white collar and blue collar; non-disability retirement retirements have a separate mortality basis for Special Risk Class members compared to all other membership classes. Disability retirements have a common mortality basis for all classes. The disability requirement for FRS members is total and permanent from all forms of employment as certified by two licensed physicians.

Required Minimum Funding Standards for Public Pensions

Under current law, total contributions to a public sector retirement plan must be sufficient to fund the normal cost of the retirement plan and to amortize the unfunded actuarial liability over a period not to exceed 40 years.⁶ If an unfunded liability arises from a plan amendment, changes in actuarial assumptions, changes in funding methods or actuarial gains or losses, the liability must be amortized within 30 plan years.⁷ The laws establishing the municipal police⁸ and firefighter⁹ pension plans have similar provisions.

III. Effect of Proposed Changes:

Section 1 amends s. 112.63, F.S., to require the actuarial valuations of local government pension plans to use mortality table methodology consistent with the most recently published actuarial valuation report of the FRS. The RP-2000 mortality table with Scale BB was used for the 2014 Actuarial Valuation of the Florida Retirement System.

While the FRS uses RP-2000 mortality table with Scale BB, additional adjustments are made based on gender, membership class, and varying mixes of white collar and blue collar work. For example, different mortality bases are used for non-disability retirements in the Special Risk Class compared to the mortality bases used for non-disability retirements in other membership classes. At first glance, one would assume that the mortality assumptions used for FRS Special Risk Class would be an acceptable assumption to use for the police and firefighter pension plans. However, the FRS Special Risk Class has a broader membership than those local pension plans.¹⁰ This broader membership base may result in a different mix of white collar and blue collar jobs.

Section 2 amends s. 112.664, F.S., to revise the information included in a defined benefit retirement system or plan's annual report to DMS to include financial statements that use mortality table methodology consistent with the most recently published actuarial valuation report of the FRS. In general, this change will require local plans to use Scale BB rather than Scale AA with the RP-2000 mortality table.

Section 3 provides that the Legislature determines that the bill fulfills an important state interest as related to publicly funded retirement plans.

⁶ Section 112.64(2), F.S.

⁷ Section 112.64(4), F.S.

⁸ Section 185.07, F.S.

⁹ Section 175.091, F.S.

¹⁰ Section 121.0515, F.S., defines membership in the FRS Special Risk Class also to include correctional officers, certain emergency medical technicians and paramedics, certain nurses and other health professionals, certain forensic laboratory technicians, and certain employees of a medical examiner's office.

Section 4 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

To the extent this bill requires a local government to expend funds to comply with its terms, the provisions of section 18(a) of Article VII of the State Constitution may apply. If those provisions do apply, in order for the law to be binding upon the cities and counties, the Legislature must find that the law fulfills an important state interest, and one of the following relevant exceptions must apply:

- The expenditure is required to comply with a law that applies to all persons similarly situated; or
- The law must be approved by two-thirds of the membership of each house of the Legislature.

Since this bill requires all public sector pension plans to use the same mortality methodologies, it appears the bill applies to all persons similarly situated (state, municipalities and special districts sponsoring pension plans). The bill also contains a finding that the bill fulfills an important state interest (section 3). Thus, it appears the bill is binding upon cities and counties that sponsor retirement plans.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

It is unclear whether the information required under s. 112.644 (1)(a), F.S., to be reported by each public sector plan will differ from the information contained in the plan's actuarial valuation under the provisions of this legislation. Under current law, the actuarial valuation could use any mortality table the plan sponsor deemed appropriate and the information reported pursuant to s. 112.644, F.S., requires the use of RP-2000 with Scale AA. Under the bill, the mortality tables used in the valuation and the information reported pursuant to s. 112.644, F.S., will be the same – those that are consistent with the mortality table methodologies used by the FRS.

VIII. Statutes Affected:

This bill substantially amends sections 112.63 and 112.664 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.

By Senator Brandes

22-00288-15

2015242__

A bill to be entitled

An act relating to publicly funded retirement plans; amending s. 112.63, F.S.; requiring that actuarial reports for certain retirement plans include mortality tables; amending s. 112.664, F.S.; revising information to be included in a defined benefit system or plan's annual report to the Department of Management Services; providing a declaration of important state interest; providing an effective date.

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

Section 1. Subsection (1) of section 112.63, Florida Statutes, is amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(1) Each retirement system or plan subject to the provisions of this act shall have regularly scheduled actuarial reports prepared and certified by an enrolled actuary. The actuarial report shall consist of, but is ~~shall~~ not be limited to, the following:

(a) Adequacy of employer and employee contribution rates in meeting levels of employee benefits provided in the system and changes, if any, needed in such rates to achieve or preserve a level of funding deemed adequate to enable payment through the indefinite future of the benefit amounts prescribed by the system, which shall include a valuation of present assets, based on statement value, and prospective assets and liabilities of the system and the extent of unfunded accrued liabilities, if

Page 1 of 4

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

22-00288-15

2015242__

any.

(b) A plan to amortize any unfunded liability pursuant to s. 112.64 and a description of actions taken to reduce the unfunded liability.

(c) A description and explanation of actuarial assumptions.

(d) A schedule illustrating the amortization of unfunded liabilities, if any.

(e) A comparative review illustrating the actual salary increases granted and the rate of investment return realized over the 3-year period preceding the actuarial report with the assumptions used in both the preceding and current actuarial reports.

(f) Mortality tables that use mortality methodology consistent with the most recently published actuarial valuation report of the Florida Retirement System.

(g) ~~(f)~~ A statement by the enrolled actuary that the report is complete and accurate and that in his or her opinion the techniques and assumptions used are reasonable and meet the requirements and intent of this act.

The actuarial cost methods utilized for establishing the amount of the annual actuarial normal cost to support the promised benefits shall only be those methods approved in the Employee Retirement Income Security Act of 1974 and as permitted under regulations prescribed by the Secretary of the Treasury.

Section 2. Subsection (1) of section 112.664, Florida Statutes, is amended to read:

112.664 Reporting standards for defined benefit retirement plans or systems.—

Page 2 of 4

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

22-00288-15

2015242__

(1) In addition to the other reporting requirements of this part, within 60 days after receipt of the certified actuarial report submitted after the close of the plan year that ends on or after June 30, 2014, and thereafter in each year required under s. 112.63(2), each defined benefit retirement system or plan, excluding the Florida Retirement System, shall prepare and electronically report the following information to the Department of Management Services in a format prescribed by the department:

(a) Annual financial statements that comply are in ~~compliance with the requirements of the Governmental Accounting Standards Government Accounting and Standard~~ Board's Statement No. 67, titled Financial Reporting for Pension Plans, and Statement No. 68, titled Accounting and Financial Reporting for Pensions, using mortality tables that use mortality methodology consistent with the most recently published actuarial valuation report of the Florida Retirement System RP-2000 Combined Healthy Participant Mortality Tables, by gender, with generational projection by Scale AA.

(b) Annual financial statements similar to those required under paragraph (a), but which use an assumed rate of return on investments and an assumed discount rate that are equal to 200 basis points less than the plan's assumed rate of return.

(c) Information indicating the number of months or years for which the current market value of assets are adequate to sustain the payment of expected retirement benefits as determined in the plan's latest valuation and under the financial statements prepared pursuant to paragraphs (a) and (b).

Page 3 of 4

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

22-00288-15

2015242__

(d) Information indicating the recommended contributions to the plan based on the plan's latest valuation, and the contributions necessary to fund the plan based on financial statements prepared pursuant to paragraphs (a) and (b), stated as an annual dollar value and a percentage of valuation payroll.

Section 3. The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

Section 4. This act shall take effect July 1, 2015.

Page 4 of 4

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

THE FLORIDA SENATE
APPEARANCE RECORD

2/17/15
Meeting Date

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

SB 242
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Kraig Conn

Job Title Legislative Counsel

Address 301 S. Arrough St. 300

Phone 222 9684

Tell FL 32301
City State Zip

Email Kconn@flcities.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/16/15
Meeting Date

242
Bill Number (if applicable)

Topic Local Pension Plans

Amendment Barcode (if applicable)

Name Amber Hughes

Job Title Legislative Advocate

Address PO Box 1757

Phone 850-701-3621

Street

Tallahassee
City

FL
State

32302
Zip

Email ahughes@fcities.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/15

Meeting Date

242

Bill Number (if applicable)

Topic

local pension

Amendment Barcode (if applicable)

Name

Elizabeth Stevens

Job Title

Assistant Director - Retirement

Address

1317 Winewood

Phone

850-921-2131

Street

Tallahassee

State

FL

Zip

32399

Email

Elizabeth.Stevens@dms.florida.com

Speaking:

☐

For

☐

Against

☒

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

DMS

Appearing at request of Chair:

☒

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Jeremy Ring, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: January 19, 2015

I respectfully request that **Senate Bill #242**, relating to **Publicly Funded Retirement Plans**, be placed on the:

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

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

Senator Jeff Brandes
Florida Senate, District 22

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 Governmental Oversight and Accountability

BILL: SB 522

INTRODUCER: Senator Brandes

SUBJECT: Division of Bond Finance

DATE: February 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	Favorable
2.			BI	
3.			FP	

I. Summary:

The Division of Bond Finance (Division) is administratively housed within the State Board of Administration and is responsible for issuing any state bonds authorized by law or the Florida Constitution as well as bonds on behalf of any state agency authorized by law. As part of its duties, the Division is required to issue a regular newsletter containing information of interest relating to state and local general obligation and revenue bonds to issuers, underwriters, attorneys, investors, other parties within the bond community, and the general public.

The Division has not published an issue of the newsletter since the fall of 2000 because there have been no subscribers.

The bill deletes the requirement for the Division to issue the newsletter.

The bill does not appear to have a fiscal impact on state or local governments.

II. Present Situation:

The Division of Bond Finance (Division) was created in the State Bond Act¹ (Act) in 1969 and is administratively housed within the State Board of Administration.² The Governor serves as chair of the governing board of the Division, the Attorney General is the secretary, and the Chief Financial Officer acts as treasurer.³

The Division is responsible for issuing any state bonds authorized by law or the Florida Constitution, as well as bonds on behalf of any state agency authorized by law.⁴ As it is used in

¹ The State Bond Act encompasses ss. 215.57-215.83, F.S.

² Section 215.62(1), F.S.

³ *Id.*

⁴ Section 215.64(2), F.S.

the Act, a state agency is defined as “any board, commission, authority, or other state agency heretofore or hereafter created by the constitution or statutes of the state.”⁵ In carrying out its authority, the Division is authorized to exercise all of the powers relating to bonds to the same extent as state agencies.⁶

As part of its duties, the Division serves as a clearinghouse of information relating to both general obligation bonds and revenue bonds of the state and local governments.⁷ The Division is required to collect, maintain, and make available information concerning such bonds.⁸ The Division also is required to issue a regular newsletter containing information of interest relating to these bonds to issuers, underwriters, attorneys, investors, and other parties within the bond community, as well as to the general public.⁹ The Division is authorized to charge fees for subscriptions to the newsletter.¹⁰

The Division’s newsletter does not have any subscribers. As a result, the Division has not published an issue of the newsletter since the fall of 2000. The Division has never charged a fee for the newsletter.

III. Effect of Proposed Changes:

The bill deletes the requirement for the Division to issue a regular newsletter containing information of interest relating to local and state bonds to issuers, underwriters, attorneys, investors, other parties within the bond community, and the general public.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require counties or municipalities to take an action requiring a significant expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁵ Section 215.58(6), F.S.

⁶ Section 215.64(3), F.S.

⁷ Section 218.37, F.S.

⁸ Section 218.37(1)(a)-(c), F.S.

⁹ Section 218.37(1)(f), F.S.

¹⁰ *Id.*

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 218.37 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.

By Senator Brandes

22-00878-15

2015522__

A bill to be entitled

An act relating to the Division of Bond Finance;
amending s. 218.37, F.S.; deleting a requirement that
the division issue a regular newsletter to certain
parties which addresses local and state bonds;
providing an effective date.

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

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

218.37 Powers and duties of Division of Bond Finance;
advisory council.—

(1) The Division of Bond Finance of the State Board of
Administration, with respect to both general obligation bonds
and revenue bonds, shall:

~~(f) Issue a regular newsletter to issuers, underwriters,
attorneys, investors, and other parties within the bond
community and the general public containing information of
interest relating to local and state bonds. The division may
charge fees for subscriptions to the newsletter.~~

Section 2. This act shall take effect July 1, 2015.

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 Governmental Oversight and Accountability

BILL: CS/SB 396

INTRODUCER: Governmental Oversight and Accountability Committee and Senators Detert and Gaetz

SUBJECT: Florida Historic Capitol

DATE: February 18, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kim	McVaney	GO	Fav/CS
2.			AGG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 396 creates the Florida Historic Capitol Museum Council within the legislative branch. The Council will work with the Florida Historic Capitol Museum's (Capitol Museum) staff to create a strategic plan to guide the Council's mission, ensure that the Capitol Museum preserves legislative history and operates according to best practices, meet with the board of directors of the Capitol Museum's direct support organization, and assist the staff in planning legislative reunions.

The bill provides a statutory update that reflects the current structure of the Florida Historic Capitol Museum. The bill abolishes the Florida Legislative Research Center at the Historic Capitol and its citizen's support organization. Funding and advisory efforts will be transferred to the currently existing Florida Historical Capitol Foundation (Foundation) and the Capitol Museum. The bill increases the number of board members of the Foundation to 21 members.

The bill provides that the funds from the sale of specialty license plates which were previously disbursed to the citizen's support organization will be distributed to the direct support organization.

This bill changes the title of the Capitol Curator to Museum Director.

II. Present Situation:

The current Florida Historic Capitol (Historic Capitol) was built in 1845, and several additions were made since that time. In 1981, the Legislature provided for the restoration of the Historic Capitol to its 1902 appearance and made provisions for the use of the Historic Capitol as a museum.¹ The mission of the Florida Historic Capitol Museum, as it is known today, is:

to illuminate the past, present and future connection between the people of Florida and their political institutions through programs of civic education, historic interpretation, and preservation.²

The Historic Capitol is run operationally by the Capitol Curator, a position that was also created in 1981.³ Currently, the Capitol Curator is appointed by the President of the Senate and the Speaker of the House of Representatives.⁴ The Capitol Curator is tasked with promoting and maintaining the Florida Historic Capitol and preserving artifacts.⁵ The Capitol Curator also assists the Florida Legislative Research Center at the Historic Capitol (Center), with raising funds and making expenditures.⁶ In keeping with the position's duties, the term "Capitol Curator" is no longer used, and the title "Coordinator" is used instead.⁷

The Center was incorporated in 2003, and the mission of the Center is to collect and preserve Florida's legislative history.⁸ The Center provides advice to staff and also has an arm that functions as a nonprofit citizens support organization (CSO).⁹ The Center originally started as an advisory committee in 1998 and was located on the campus of Tallahassee Community College.¹⁰

In 2006, the Center moved to the Historic Capitol, and the two entities merged to create the Florida Historic Capitol Museum (Capitol Museum).¹¹ That same year, Legislature took over funding for the Center and the Capitol Museum from the Department of State.¹²

¹ Ch. 81-232, s. 1, Laws of Fla.

² Florida Historic Capitol Museum, <http://www.flhistoriccapitol.gov/about.cfm#mission> (last visited Feb. 13, 2015).

³ Ch. 81-231, s. 2, Laws of Fla.

⁴ Ch. 2006-111, s. 6, Laws of Fla. Section 272.135(1), F.S.

⁵ Section 272.135(2), F.S.

⁶ Section 272.135(3), F.S.

⁷ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight and Accountability.

⁸ Florida Legislative Research Center, <http://www.flrcm.gov/about.cfm#mission> (last visited Feb. 13, 2015).

⁹ Section 272.129(4), F.S. The Florida Legislative Research Center is the business name used by The Florida Legislative Historic Preservation Corporation. The Articles of Incorporation of The Florida Legislative Historic Preservation Corporation, A Florida Nonprofit Corporation, can be found at <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=PreviousList&searchNameOrder=FLORIDAHISTORICCAPITOLFOUNDATI%20N100000041000&aggregateId=domnp-n10000004100-adb8da5e-b0dd-4973-93bb-7dbd6ac60cf5&searchTerm=florida%20historic&listNameOrder=FLORIDAHISTORICALAVIATIONMUSEU%20N144290> (last visited Feb. 13, 2015).

¹⁰ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight and Accountability.

¹¹ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight and Accountability.

¹² Ch. 2006-111, s. 5, Laws of Fla.

In 2009, the Legislature authorized the Center and the Capitol Curator to establish a direct support organization (DSO) to provide assistance and fundraising for the Center and the Historic Capitol.¹³ (The statute has not been updated to reflect that the two entities had merged in 2006 and were operating as the Capitol Museum.) The Florida Historical Capitol Foundation (Foundation) was created at that time and currently acts as an advisory board and a nonprofit DSO for the Center and the Historic Capitol. The Foundation was created to promote and support the Florida Historic Capitol.¹⁴ The Foundation is governed by a board of directors consisting of up to 11 members who are appointed to three year terms.¹⁵ Board members serve without compensation but are entitled to be reimbursed for per diem and travel expenses.

Additional funding for the Florida Historic Capitol comes from specialty license plates for former members of Congress and former members of the Legislature.¹⁶ A specialty license plate costs \$500.00, \$450.00 of which goes benefits the Center and \$50.00 is deposited in the Highway Safety Operating Trust Fund.

Current statutes do not reflect the changes in the function and status of the Center (and its CSO), the Foundation, the Capitol Museum and the curator that have evolved over time.¹⁷

III. Effect of Proposed Changes:

The bill repeals the statutory authority of the Center relating to CSO and the DSO associated with the Historic Capitol. The term “Florida Historic Capitol Museum” will replace references to the Center and the Historic Capitol as two separate entities, thereby reflecting the merger that occurred in 2006. While not directed by law, the CSO’s funds will be transferred to the Foundation.¹⁸ This consolidation will reduce duplication of effort and expenditures incurred by the Capitol Museum. The bill provides that funds from specialty license plates will be directed to the Foundation rather than to the Center.

The bill creates the Florida Historic Capitol Museum Council (Council). The Council is composed of the following 12 members: the Secretary of the Senate, the Clerk of the House of Representatives, the Sergeants at Arms of both chambers, and three members appointed by the President of the Senate and three members appointed by the Speaker of the House. Of those appointed by each presiding officer, one member must be a current member of the Legislature, and two members must be former legislators or officers of the Legislature. The board of directors of the Foundation will appoint two of its members to the Council. Council members will act as advocates for the Capitol Museum and serve without compensation.

¹³ Section 272.136, F.S.

¹⁴ Florida Historic Capitol Museum, <http://www.flhistoriccaptol.gov/foundation.cfm> (last visited on Feb. 11, 2015).

¹⁵ Section 272.136(1), F.S.

¹⁶ Section 320.0807(6), F.S.

¹⁷ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight and Accountability.

¹⁸ Florida Historic Capitol Museum Summary of Strategic Restructuring Proposal, dated August 4, 2014, on file with the Senate Committee on Governmental Oversight and Accountability.

The Council will ensure that the Capitol Museum focuses on preserving legislative history and ensure that the Capitol Museum operates according to the best practices to maintain the public trust. The Council will prepare a strategic plan and present the plan to the presiding officers of each chamber. The bill also requires the Council to periodically review the Capitol Museum's strategic plan, and ensure that the Capitol Museum stays focus on preserving legislative history and operates according the ethical standards and best practices of the field. The Council will also meet with the board of directors of the Capitol Museum's DSO annually.

The bill renames the position of Capitol Curator to Florida Historic Capitol Museum Director (Director). This change reflects the expansion of the duties associated with the position.

The bill provides that the Council and the Director may establish a DSO, which will be governed by a board of directors. The bill maintains the substantive language in current law providing for a DSO with two changes. First, the board may increase its membership to as many as 21 members, rather than the 11 currently allowed by law. Second, the bill amends the current statute by specifying that DSO funds are to be used to reimburse per diem and travel expenses. The current law does not state who is responsible for making reimbursements. In effect, these changes will alter the structure of the Foundation's board and clarify that Foundation funds will be used for reimbursements.

The Capitol Museum will not be eligible for accreditation unless its governance documentation accurately reflect its current structure and funding sources.¹⁹

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.

¹⁹ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Government sector impact will be minimal. The Capitol Museum estimates that the fiscal impact of this bill will be minimal, as costs related to running two support organizations will be reduced and staffing requirements will remain the same.²⁰

The impact on the Department of Highway and Safety will be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 272.129, 272.135, 272.136, and 320.0807 of the Florida Statutes. This bill creates section 272.131 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 Governmental Oversight and Accountability on February 17, 2015:

The CS clarifies that of the three appointees to the Council, the presiding officer of each chamber must choose one current legislator, and the other two appointees must be either former legislators or former officers of the Legislature. The CS amends the title to reflect that the Center does not currently exist as entity and is therefore, not being renamed.

B. Amendments:

None.

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

²⁰ *Id.*



859240

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2015	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment

Delete lines 144 - 145
and insert:
presiding officer's respective chamber and two must be former
legislators or officers of the Legislature.



297294

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2015	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment

In title, delete lines 3 - 5
and insert:
amending s. 272.129, F.S.; removing references to the
Legislative Research Center and Museum at the Historic
Capitol; removing

By Senator Detert

28-00235A-15

2015396__

A bill to be entitled

An act relating to the Florida Historic Capitol; amending s. 272.129, F.S.; renaming the Legislative Research Center and Museum at the Historic Capitol as the Florida Historic Capitol Museum; removing provisions authorizing establishment of a citizen support organization to support the Legislative Research Center and Museum; creating s. 272.131, F.S.; creating the Florida Historic Capitol Museum Council; providing for the appointment and qualifications of council members; prescribing duties and responsibilities for the council and individual council members; amending s. 272.135, F.S.; renaming the position of Capitol Curator as the Florida Historic Capitol Museum Director; conforming provisions; amending s. 272.136, F.S.; revising the composition of the board of directors governing the Florida Historic Capitol Museum's direct-support organization; providing that per diem and travel expenses must be paid from direct-support organization funds; conforming provisions; amending s. 320.0807, F.S.; redirecting a portion of the proceeds from the fee for special license plates for former federal or state legislators to the Florida Historic Capitol Museum's direct-support organization; providing an effective date.

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

Page 1 of 11

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

28-00235A-15

2015396__

Section 1. Section 272.129, Florida Statutes, is amended to read:

272.129 Florida Historic Capitol; space allocation; maintenance, repair, and security.—

(1) The Legislature shall ensure that all space in the Florida Historic Capitol is restored in a manner consistent with the 1902 form and made available for allocation. Notwithstanding the provisions of ss. 255.249 and 272.04 that relate to space allocation in state-owned buildings, the President of the Senate and the Speaker of the House of Representatives shall have responsibility and authority for the allocation of all space in the restored Florida Historic Capitol, provided:

(a) The rotunda, corridors, Senate chamber, House of Representatives chamber, and Supreme Court chamber may ~~shall~~ not be used as office space.

(b) The Legislature shall be allocated sufficient space for program and administrative functions relating to the preservation, museum, and cultural programs of the Legislature.

(2) The Florida Historic Capitol shall be maintained in accordance with good historic preservation practices as specified in the National Park Service Preservation Briefs and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(3) Custodial and preventive maintenance and repair of the entire Florida Historic Capitol and the grounds located adjacent thereto shall be the responsibility of the Department of Management Services, subject to the special requirements of the building as determined by the director of the Florida Historic Capitol Museum ~~Capitol Curator~~.

Page 2 of 11

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

28-00235A-15

2015396

~~(4)(a) The Legislative Research Center and Museum at the Historic Capitol, hereinafter referred to as "center," may support the establishment of a citizen support organization to provide assistance, funding, and promotional support for the center. For the purposes of this subsection, "citizen support organization" means an organization that is:~~

~~1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.~~

~~2. Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities, funds, objects of value, or other real and personal property; and make expenditures to or for the direct or indirect benefit of the center.~~

~~3. Determined by the center to be consistent with the goals of the center and in the best interests of the state.~~

~~4. Annually approved in writing by the center to operate for the direct or indirect benefit of the center. Such approval shall be given in a letter of agreement from the center.~~

~~(b)1. The Legislative Research Center and Museum at the Historic Capitol may permit, without charge, appropriate use of fixed property and facilities of the center by the citizen support organization, subject to the provisions of this subsection. Such use must be directly in keeping with the approved purposes of the citizen support organization and may not be made at times or places that would unreasonably interfere with normal operations of the center.~~

~~2. The center may prescribe by rule any condition with~~

Page 3 of 11

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

28-00235A-15

2015396

~~which the citizen support organization must comply in order to use fixed property or facilities of the center.~~

~~3. The center may not permit the use of any fixed property or facilities by any citizen support organization if such organization does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.~~

~~(c) A citizen support organization shall provide for an annual financial audit in accordance with s. 215.981.~~

~~(d) All records of a citizen support organization constitute public records for the purposes of chapter 119.~~

~~(e) The citizen support organization for the Legislative Research Center and Museum at the Historic Capitol is authorized to collect rental fees, apply for and receive grants, and receive gifts and donations for the direct or indirect benefit of the center.~~

~~(f) All funds obtained through rental fees, grants, gifts, and donations to the citizen support organization shall be deposited into the account of the citizen support organization and used for the direct or indirect benefit of the Legislative Research Center and Museum at the Historic Capitol unless the citizen support organization is no longer authorized as required by this subsection, fails to comply with the requirements of this subsection, fails to maintain its tax-exempt status pursuant to s. 501(c)(3) of the Internal Revenue Code, or ceases to exist. If the citizen support organization is no longer authorized as required by this subsection, fails to comply with the requirements of this subsection, fails to maintain its tax-exempt status pursuant to s. 501(c)(3) of the Internal Revenue~~

Page 4 of 11

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

28-00235A-15

2015396

~~Code, or ceases to exist, all funds obtained through rental fees, grants, gifts, and donations in the citizen support organization account shall revert to the state and be deposited into an account designated by the Legislature.~~

Section 2. Section 272.131, Florida Statutes, is created to read:

272.131 Florida Historic Capitol Museum Council.—The Florida Historic Capitol Museum Council is created within the legislative branch of state government.

(1) The council is composed of 12 members. Council members shall be selected based on their dedication to preserving the Florida Historic Capitol and advancing the mission of the Florida Historic Capitol Museum. Council members must demonstrate an interest in documenting the institutional knowledge and historic traditions of state governance with an emphasis on legislative history, the advancement of civics education, and the encouragement of residents of this state to engage with state government. The Florida Historic Capitol Museum Director shall serve in an advisory capacity to the council. The council shall consist of the following members:

(a) The Secretary of the Senate.

(b) The Clerk of the House of Representatives.

(c) The Sergeants at Arms of both houses of the Legislature.

(d) The President of the Senate and the Speaker of the House of Representatives each shall appoint three members. Of the three appointments, one must be a current member of the presiding officer's respective chamber and one must be a former legislator or an officer of the Legislature.

28-00235A-15

2015396

(e) The board of directors of the Florida Historic Capitol Museum's direct-support organization shall appoint two members from its membership.

(2) A council member shall:

(a) Serve without compensation, except that he or she is entitled to receive reimbursement for per diem and travel expenses in accordance with s. 112.061. Such expenses must be paid out of funds of the Florida Historic Capitol Museum's direct-support organization.

(b) Attend a majority of council meetings each calendar quarter.

(c) Serve as an advocate and ambassador for the museum.

(d) Serve as a liaison to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(e) Cultivate relationships with legislative staff to advance the mission and activities of the museum.

(f) Lend expertise and use his or her personal and professional contacts for the advancement of the museum.

(g) Participate in key museum events.

(h) Become a member of the museum.

(3) The council shall:

(a) Designate a chair.

(b) Work with museum staff to prepare and recommend a strategic plan to guide the council's mission. The council shall submit a copy of the strategic plan to the President of the Senate and the Speaker of the House of Representatives by December 31, 2017, and any updates to the strategic plan must be submitted every 2 years thereafter.

(c) Periodically review the museum's strategic plan.

28-00235A-15

2015396__

(d) Ensure that the museum retains an emphasis on preserving legislative history and traditions by cultivating relationships with current and former legislators, collecting historic materials, and encouraging public participation in the museum's programs.

(e) Ensure that the museum operates as a public trust in accordance with the Ethics, Standards, and Best Practices and the Code of Ethics for Museums adopted by the American Alliance of Museums.

(f) Meet annually with the board of directors of the Florida Historic Capitol Museum's direct-support organization to jointly evaluate how the direct-support organization's outreach and development plan complements and supports the museum and the council's strategic plan.

(g) Assist museum staff in planning any legislative reunions.

Section 3. Section 272.135, Florida Statutes, is amended to read:

272.135 Florida Historic Capitol Museum Director ~~Curator~~.—

(1) The position of the Florida Historic Capitol Museum Director ~~Capitol Curator~~ is created within the Legislature, which shall establish the qualifications for the position. The director ~~curator~~ shall be appointed by and serve at the pleasure of the President of the Senate and the Speaker of the House of Representatives.

(2) The director ~~Capitol Curator~~ shall:

(a) Promote and encourage throughout the state knowledge and appreciation of the Florida Historic Capitol.

(b) Collect, research, exhibit, interpret, preserve, and

28-00235A-15

2015396__

protect the history, artifacts, objects, furnishings, and other materials related to the Florida Historic Capitol, except for archaeological research and resources.

(c) Develop, direct, supervise, and maintain the interior design and furnishings of all space within the Florida Historic Capitol in a manner consistent with the restoration of the Florida Historic Capitol in its 1902 form.

(3) In conjunction with ~~the Legislative Research Center and Museum at the~~ Florida Historic Capitol Museum Council, the director ~~Capitol Curator~~ may assist the Florida Historic Capitol Museum in the performance of its mission by:

(a) Raising money.~~+~~

(b) Submitting requests for and receiving grants.~~+~~

(c) Receiving, holding, investing, and administering in the name of the Florida Historic Capitol Museum ~~and the Legislative Research Center and Museum~~ securities, funds, objects of value, or other real and personal property.~~+~~

(d) Receiving gifts and donations for the direct or indirect benefit of the Florida Historic Capitol.~~+~~ ~~and~~

(e) Making expenditures to or for the direct or indirect benefit of the Florida Historic Capitol.

Section 4. Section 272.136, Florida Statutes, is amended to read:

272.136 Direct-support organization.—~~The Legislative Research Center and Museum at the~~ Florida Historic Capitol Museum Council and the Florida Historic Capitol Museum Director ~~Capitol Curator~~ may establish a direct-support organization to provide assistance and promotional support through fundraising for the Florida Historic Capitol Museum ~~and the Legislative~~

28-00235A-15

2015396__

233 ~~Research Center and Museum~~, including, but not limited to, its
 234 ~~their~~ educational programs and initiatives.

235 (1) The direct-support organization shall be governed by a
 236 board of directors. Board members must demonstrate who have
 237 ~~demonstrated~~ a capacity for supporting the mission of the
 238 Florida Historic Capitol.

239 (a) Initial appointments to the board shall be made by the
 240 President of the Senate and the Speaker of the House of
 241 Representatives at the recommendation of the council ~~center~~ and
 242 the director ~~curator~~. Appointments to the board shall thereafter
 243 be made by the board.

244 (b) The initial board shall consist of nine members who
 245 shall be appointed to 3-year terms, except that the terms of
 246 such ~~the initial~~ appointees shall be designated ~~accomplished~~ so
 247 that three members are appointed for 1 year, three members are
 248 appointed for 2 years, and three members are appointed for 3
 249 years, in order to achieve staggered terms, as determined by the
 250 presiding officers.

251 (c) The board may add up to 12 ~~two~~ additional members.

252 (d) ~~The~~ Board members shall serve without compensation, but
 253 ~~except that they~~ are entitled to receive reimbursement for per
 254 diem and travel expenses in accordance with s. 112.061. Such
 255 expenses must be paid out of funds of the direct-support
 256 organization.

257 (e) The board may use the fixed property and facilities of
 258 the Florida Historic Capitol, subject to the provisions of this
 259 subsection. Such use must be directly in keeping with the
 260 approved purposes of the direct-support organization and may not
 261 be made at times or places that would unreasonably interfere

28-00235A-15

2015396__

262 with the normal operations of the Florida Historic Capitol.

263 (2) The direct-support organization must be a Florida
 264 corporation, not for profit, incorporated under chapter 617, and
 265 approved by the Department of State.

266 (3) The council and director ~~curator and center~~ may
 267 prescribe any condition with which the direct-support
 268 organization must comply.

269 (4) The council and director ~~curator and the center~~ may not
 270 authorize ~~permit~~ the use of any fixed property or facilities by
 271 the direct-support organization if the organization does not
 272 provide equal membership and employment opportunities to all
 273 persons regardless of race, color, religion, gender, age, or
 274 national origin.

275 (5) The direct-support organization shall provide for an
 276 annual financial audit in accordance with s. 215.981.

277 (6) If the direct-support organization is no longer
 278 authorized by this section, fails to comply with the
 279 requirements of this section, fails to maintain its tax-exempt
 280 status pursuant to s. 501(c)(3) of the Internal Revenue Code, or
 281 ceases to exist, all funds obtained through grants, gifts, and
 282 donations in the direct-support organization account shall
 283 revert to the state and be deposited into an account designated
 284 by the Legislature for the support of the Florida Historic
 285 Capitol, provided that donations made for specific purposes in
 286 an original donor agreement shall be applied only to those
 287 purposes.

288 (7) (a) The identity of a donor or prospective donor to the
 289 direct-support organization who desires to remain anonymous, and
 290 all information identifying such donor or prospective donor, is

28-00235A-15

2015396

confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in any auditor's report created pursuant to the annual financial audit required under subsection (5).

(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 5. Paragraph (c) of subsection (6) of section 320.0807, Florida Statutes, is amended to read:

320.0807 Special license plates for Governor and federal and state legislators.—

(6)

(c) Four hundred fifty dollars of the one-time fee collected under paragraph (a) shall be distributed to the account of the direct-support organization established pursuant to s. 272.136 ~~citizen support organization established pursuant to s. 272.129~~ and used for the benefit of the Florida Historic Capitol Museum Legislative Research Center and Museum at the Historic Capitol, and the remaining \$50 shall be deposited into the Highway Safety Operating Trust Fund.

Section 6. This act shall take effect July 1, 2015.



The Florida Senate

Committee Agenda Request

To: Senator Jeremy Ring, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: February 3, 2015

I respectfully request that **Senate Bill #396**, relating to Florida Historic Capitol, be placed on the:

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

A handwritten signature in black ink, reading "Nancy Detert", is written over a light gray rectangular background.

Senator Nancy C. Detert
Florida Senate, District 28

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-17-15

Meeting Date

396

Bill Number (if applicable)

Topic HISTORIC CAPITOL

Amendment Barcode (if applicable)

Name RON RICHMOND

Job Title _____

Address 1394 MILLSTREAM ROAD

Street

Phone 5-45-5964

TALLAHASSEE, FL 32312

City

State

Zip

Email rona@drichmond.comcast.net

Speaking: ☒ For ☐ Against ☒ Information

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

Representing LEGISLATIVE RESEARCH CENTER + MUSEUM

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 434

INTRODUCER: Senator Detert

SUBJECT: Public Libraries

DATE: February 17, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Peacock	McVaney	GO	Favorable
2. _____	_____	ATD	_____
3. _____	_____	AP	_____

I. Summary:

SB 434 revises the powers and duties of the Department of State's Division of Library and Information Services (Division). The bill adds definitions of the terms "depository library" and "state publication." The duties and composition of the State Library Council are revised. Also, the duties of the Division's State Publications Program are revised. Specified state entities are required to designate a state publications liaison with corresponding responsibilities.

The bill will have a minimal fiscal impact on the Department of State.

The bill provides for an effective date of July 1, 2015.

II. Present Situation:

Florida's State Documents Depository Program was established in 1967. This program was formed to meet the need of researchers and the general public around the state to access information by and about Florida government. By placing state documents in depository libraries throughout Florida, the Program makes state documents from all agencies readily available to Floridians in a cost-effective and timely manner.

The collection of state documents at the State Library is the most comprehensive collection of publications by Florida state agencies, dating from territorial days to the present. The documents published by state agencies and provided to the State Library are listed in the State Library's online catalog, which provides author, title, subject and keyword access.

The State Library keeps at least two paper copies of these documents for its collections and distributes the others to geographically diverse libraries throughout the state in order to ensure Florida's citizens free and equal access to state government information. State entities issue about

22.5 percent of the publications as born-digital documents, and the State Library of Florida makes the full text of the born-digital publications available via the online library catalog.

In 1970, the State Library Council (Council) was created. The duties of the Council are to advise and assist the Division on its programs and activities.¹ The Council consists of nine members who are appointed by the Secretary of State for 4-year terms.² The requirements for the composition of the Council are as follows:³

- At least one member who represents a Florida library professional association;
- At least one member who represents a Florida archive professional association;
- At least one member who represents a Florida records management professional association; and
- At least one member who is not, and has never been, employed in a library or in teaching library science courses.

The Division currently provides library services to blind and physically handicapped persons in Florida.⁴

III. Effect of Proposed Changes:

Section 1 amends s. 257.015, F.S., to define the terms “depository library” and “state publication” and reorder the definitions in alphabetical order.

Section 2 amends s. 257.02, F.S., to revise the duties and composition of the State Library Council. The Council’s duties are revised to specifically include advising and assisting the Division with planning, policy, and priorities related to the development of statewide information services.

In terms of the composition of the Council, the membership must include:

- Three members who represent Florida public libraries;
- Two members who represent the Florida Academic Library Services Cooperative;
- One member who represents a multi-type library cooperative;
- One member who represents a school library media center; and
- One member who represents the Independent Colleges and Universities of Florida.

Section 3 amends s. 257.04, F.S., to clarify the powers and duties of the Division. The Division is required to coordinate with the Division of Blind Services of the Department of Education in the provision of library services.

The Division is authorized to issue electronic information. State agencies, other governmental bodies and the depositories themselves are making the transition from print publication to e-documents. State agencies currently upload full-text publications to the State Library. E-documents allow better access to this information via the Internet.

¹ Section 257.02(1), F.S.

² *Id.*

³ *Id.*

⁴ Section 257.04(5), F.S.

Section 4 amends s. 257.05, F.S., to recognize in law the State Publications Program.

Each state official, department, court or agency is required to designate a state publications liaison with contact information. The state publications liaison is required to maintain a list of their respective entity's state publications and to furnish an updated list to the Division by December 31 of each year. This will foster better communication between state agencies and the Division regarding publications.

The definition of the term "public document" is deleted from s. 257.05(1), F.S. State agencies are no longer required to submit 35 copies of each state publication.

As more e-documents are published, there is less need for designating the number of print copies of a publication an entity must send to the State Library. Designating the number of print copies in rule will enable the State Library to change the number when it is needed or eventually eliminate print copies altogether.

Depository libraries are permitted to maintain state publications in a convenient and accessible format for the public.

Section 5 amends s. 257.36, F.S., to delete the statutory requirement that the Division of Library and Information Services provide a centralized program for microfilming documents.

Section 6 amends s. 257.105, F.S., to make conforming edits in regards to state publications.

Section 7 amends s. 283.31, F.S., to make conforming edits in regards to records of executive agency publications.

Section 8 amends s. 286.001, F.S., to make conforming edits in regards to statutorily required reports.

Section 9 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Minimal. The Division will save about \$1,000 in postage and a savings in staff time for Florida's State Documents Depository Program. State agencies will also see a savings in postage and shipping costs, along with savings in staff time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 257.015, 257.02, 257.04, 257.05, 257.36, 257.105, 283.31, and 286.001.

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

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

None.

B. Amendments:

None.

By Senator Detert

28-00600-15

2015434__

A bill to be entitled

An act relating to public libraries; amending s. 257.015, F.S.; defining the terms "depository library" and "state publication"; amending s. 257.02, F.S.; revising the composition and duties of the State Library Council; amending s. 257.04, F.S.; revising the powers and duties of the Division of Library and Information Services of the Department of State; requiring the division to coordinate with the Division of Blind Services of the Department of Education to provide certain services; authorizing the division to issue electronic information; amending s. 257.05, F.S.; providing legislative findings; revising provisions regarding the delivery and distribution of publications; requiring specified entities in state government to designate a state publications liaison; removing the definition of the term "public document"; revising the duties of the division with respect to the management of the State Publications Program; amending s. 257.36, F.S.; removing a provision requiring the division to provide a centralized microfilming program for state agencies; amending ss. 257.105, 283.31, and 286.001, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 257.015, Florida Statutes, is amended to

Page 1 of 11

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

28-00600-15

2015434__

read:

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

(1) "Department" means the Department of State.

(2) "Depository library" means a library that has been designated as a depository for receiving state publications in accordance with s. 257.05(3).

(3)(2) "Division" means the Division of Library and Information Services of the Department of State.

(4)(3) "Secretary" means the Secretary of State.

(5)(4) "State Librarian" means the person appointed by the secretary as the director of the Division of Library and Information Services pursuant to s. 257.031.

(6) "State publication" means a publication created under the authority of or at the total or partial expense of a state official, state department, state board, state court, or state agency, or that is required to be publicly distributed pursuant to state law. The term includes a publication containing information about the state and its government which is culturally and historically significant to researchers and the general public. The term does not include a publication that is created only for internal use of a state official, state department, state board, state court, or state agency.

Section 2. Section 257.02, Florida Statutes, is amended to read:

257.02 State Library Council.—

(1) There shall be a State Library Council to advise and assist the division with planning, policy, and priorities related to the development of statewide information services of ~~Library and Information Services on its programs and activities.~~

Page 2 of 11

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

28-00600-15

2015434

The council shall consist of nine members who shall be appointed by the Secretary of State. Of the nine members, three members must represent Florida public libraries, two members must represent the Florida Academic Library Services Cooperative, one member must represent a multitype library cooperative, one member must represent a school library media center, one member must represent the Independent Colleges and Universities of Florida, and at least one member must represent a Florida library professional association,~~at least one must represent a Florida archive professional association, at least one must represent a Florida records management professional association, and at least one must be a person who is not, and has never been, employed in a library or in teaching library science courses.~~ Members shall be appointed for 4-year terms. A vacancy on the council shall be filled for the period of the unexpired term. A ~~No~~ person may not be appointed to serve more than two consecutive terms as a member of the council. The secretary ~~of~~ State may remove from office any council member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to, or being found guilty of, a felony.

(2) Members of the council shall serve without compensation or honorarium but are ~~shall be~~ entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the division, or at such times as may be prescribed by its rules.

~~(3) The Secretary of State may, in making appointments, consult Florida's library, archival, or records management~~

Page 3 of 11

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

28-00600-15

2015434

~~community and related statewide associations and organizations for suggestions as to persons having special knowledge and interest concerning libraries.~~

~~(3)(4)~~ The officers of the State Library Council shall be a chair, elected from the members thereof, and the State Librarian, who shall serve without voting rights as secretary of the council.

Section 3. Section 257.04, Florida Statutes, is amended to read:

257.04 Publications, pictures, and other documents received to constitute part of State Library; powers and duties of Division of Library and Information Services.—

(1) All books, pictures, documents, publications, and manuscripts received through gifts, purchase, or exchange, or on deposit from any source for the use of the state, shall constitute a part of the State Library and shall be placed therein for the use of the public under the control of the division ~~of Library and Information Services of the Department of State.~~ The division may receive gifts of money, books, or other property which may be used or held for the ~~purpose or~~ purposes given; and it may purchase books, periodicals, furniture, and equipment as ~~it deems~~ necessary to promote the efficient operation of the service it is expected to render to state officials, employees, and the public.

(2) The division may, upon request, give aid and assistance, financial, advisory, or otherwise, to all school, state institutional, academic, free, and public libraries, and to all communities in the state which may propose to establish libraries, as to the best means of establishing and

Page 4 of 11

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

28-00600-15

2015434

administering libraries, selecting and cataloging books, and other facets of library management.

(3) The division shall maintain a library for state officials and employees, especially of informational material pertaining to ~~the phases of~~ their work, ~~and provide for them material for general reading and study.~~

(4) The division shall maintain and provide research and information services for all state agencies.

(5) The division shall make all necessary arrangements to coordinate with the Division of Blind Services of the Department of Education to provide library services to the blind and physically handicapped persons of the state.

(6) The division may issue printed material and electronic information, such as lists and circulars of information, and in the publication thereof may cooperate with state library commissions and libraries of other states in order to secure the more economical administration of the work for which it is formed. The division ~~It~~ may conduct courses of library instruction and hold librarians' institutes in various parts of the state.

(7) The division shall perform such other services and engage in any other activity, not contrary to law, ~~that it may think~~ appropriate in the development of library service to state government, to the libraries and library profession of the state, and to the citizens of the state.

Section 4. Section 257.05, Florida Statutes, is amended to read:

257.05 State Publications Program ~~Public documents;~~ delivery to, and distribution by, division.-

28-00600-15

2015434

(1) The Legislature finds that the State Publications Program increases accessibility to culturally and historically significant information about the state and its government for researchers and the general public through the distribution of state publications to depository libraries throughout the state.

(2) Each state official, state department, state board, state court, or state agency:

(a) Shall furnish its state publications to the division for distribution to depository libraries throughout the state upon the publication's release in accordance with division rule.

(b) Shall designate a state publications liaison. Upon designation of a liaison, a state official, state department, state board, state court, or state agency shall provide the division with the liaison's name and contact information. Each state publications liaison shall maintain a list of his or her respective entity's state publications and furnish the list to the division as updated or by December 31 of each year ~~The term "public document" as used in this section means any document, report, directory, bibliography, rule, newsletter, pamphlet, brochure, periodical, or other publication, whether in print or nonprint format, that is paid for in whole or in part by funds appropriated by the Legislature and may be subject to distribution to the public; however, the term excludes publications for internal use by an executive agency as defined in s. 283.30.~~

~~(2)(a) Each state official, state department, state board, state court, or state agency issuing public documents shall furnish the Division of Library and Information Services of the Department of State 35 copies of each of those public documents,~~

28-00600-15

2015434

as issued, for deposit in and distribution by the division.
 However, if the division so requests, as many as 15 additional
 copies of each public document shall be supplied to it.

~~(b) If any state official, state department, state board,
 state court, or state agency has fewer than 40 copies of any
 public document, it shall supply the division with 2 copies of
 each such public document for deposit in the State Library.~~

~~(c) By December 31 of each year, any state official, state
 department, state board, state court, or state agency issuing
 public documents shall furnish to the division a list of all
 public documents, including each publication that is on the
 agency's website, issued by the official, department, board,
 court, or agency during that calendar year.~~

(c)(d) Shall, if having charge of their distribution,
 furnish the division with As issued, daily journals and bound
 journals of each house of the Legislature, as issued; slip laws
 and bound session laws, both general and special; and Florida
 Statutes and supplements thereto shall be furnished to the
 division by the state official, department, or agency having
 charge of their distribution. The number of copies furnished
 shall be determined by requests of the division, which number in
 no case may exceed 35 copies of the particular publication.

(3) It is the duty of the division to:

(a) Manage the State Publications Program.

(b) Designate university, college, and public libraries as
 depository libraries for state publications depositories for
 public documents and to designate certain of these depositories
 as regional centers for full collections of public documents. A
 depository library must maintain state publications in a form

28-00600-15

2015434

that is convenient and accessible to the public. The division
 shall be the official repository for state publications.

~~(c)(b) Create a distribution Provide a system to provide of
 distribution of the copies of state publications to depository
 libraries furnished to it under subsection (2) to such
 depositories.~~

(d)(c) Create Publish a periodic bibliography for the State
 Publications Program of the publications of the state.

The division may exchange copies of state publications public
 documents for those of other states, territories, and countries.
 Depositories receiving public documents under this section shall
 keep them in a convenient form accessible to the public.

Section 5. Paragraph (h) of subsection (1) of section
 257.36, Florida Statutes, is amended, and present paragraphs (i)
 through (l) of subsection (1) are redesignated as paragraphs (h)
 through (k), respectively, to read:

257.36 Records and information management.—

(1) There is created within the Division of Library and
 Information Services of the Department of State a records and
 information management program. It is the duty and
 responsibility of the division to:

~~(h) Provide a centralized program of microfilming for the
 benefit of all agencies.~~

Section 6. Section 257.105, Florida Statutes, is amended to
 read:

257.105 State publications ~~Public documents~~; copies to
 Library of Congress.—Any state official or state agency, board,
 commission, or institution having charge of state publications

28-00600-15

2015434

233 hereinafter named is authorized and directed to furnish the
 234 Library of Congress in Washington, D.C., upon requisition from
 235 the Library of Congress, up to three copies of the journals of
 236 both houses of the Legislature; volumes of the Supreme Court
 237 Reports; volumes of periodic reports of Cabinet officers; and
 238 copies of reports, studies, maps, or other publications by
 239 official boards or institutions of the state, from time to time,
 240 as such are published and are available for public distribution.

241 Section 7. Section 283.31, Florida Statutes, is amended to
 242 read:

243 283.31 Records of executive agency publications.—Each
 244 agency shall maintain a record of any state publication, as
 245 defined in s. 257.05, the printing of which costs in excess of
 246 the threshold amount provided in s. 287.017 for CATEGORY THREE,
 247 at least part of which is paid for by state funds appropriated
 248 by the Legislature. Such record shall also contain the
 249 following: written justification of the need for such
 250 publication, purpose of such publication, legislative or
 251 administrative authority, sources of funding, frequency and
 252 number of issues, and reasons for deciding to have the
 253 publication printed in-house, by another agency or the
 254 Legislature, or purchased on bid. In addition, such record shall
 255 contain the comparative costs of alternative printing methods
 256 when such costs were a factor in deciding upon a method. The
 257 record of the corporation operating the correctional industry
 258 printing program shall include the cost of materials used, the
 259 cost of labor, the cost of overhead, the amount of profit made
 260 by the corporation for such printing, and whether the state
 261 agencies that contract with the corporation for printing are

Page 9 of 11

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

28-00600-15

2015434

262 prudently determining the price paid for such printing.

263 Section 8. Subsections (2) and (4) of section 286.001,
 264 Florida Statutes, are amended to read:

265 286.001 Reports statutorily required; filing, maintenance,
 266 retrieval, and provision of copies.—

267 (2) With respect to reports statutorily required of
 268 agencies or officers within the executive, legislative, or
 269 judicial branches of state government, the State Board of
 270 Education, the Board of Governors of the State University
 271 System, or the Public Service Commission, it is the duty of the
 272 division, in addition to its duties under s. 257.05, to:

273 (a) Regularly compile and update bibliographic information
 274 on such reports for distribution as provided in paragraph (b).
 275 Such bibliographic information may be included in the
 276 bibliographies prepared by the division pursuant to s. 257.05(3)
 277 ~~s. 257.05(3)(c)~~.

278 (b) Provide for at least quarterly distribution of
 279 bibliographic information on reports to:

280 1. Agencies and officers within the executive, legislative,
 281 and judicial branches of state government, the State Board of
 282 Education, the Board of Governors of the State University
 283 System, and the Public Service Commission, free of charge; and

284 2. Other interested parties upon request properly made and
 285 upon payment of the actual cost of duplication pursuant to s.
 286 119.07(1).

287 (4) ~~Nothing in~~ This section may not ~~shall~~ be construed to
 288 waive or modify the requirement in s. 257.05(2) pertaining to
 289 the provision of copies of state publications ~~public documents~~
 290 to the division.

Page 10 of 11

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

28-00600-15

2015434__

291

Section 9. This act shall take effect July 1, 2015.



The Florida Senate

Committee Agenda Request

To: Senator Jeremy Ring, Chair
Committee on Governmental Oversight and Accountability

Subject: Committee Agenda Request

Date: February 3, 2015

I respectfully request that **Senate Bill #434**, relating to Public Libraries, be placed on the:

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

A handwritten signature in black ink, which appears to read "Nancy Detert". The signature is fluid and cursive, written over a light blue rectangular background.

Senator Nancy C. Detert
Florida Senate, District 28

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/2015

Meeting Date

SB 434

Bill Number (if applicable)

Topic SB 434- Public Libraries

Amendment Barcode (if applicable)

Name Christie Burrus

Job Title Legislative Affairs Director

Address 500 S. Bronough St.

Phone 850-245-6512

Street

Tallahassee

FL

32303

City

State

Zip

Email christie.burrus@dos.myflorida.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Department of State

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 7004

INTRODUCER: Higher Education Committee

SUBJECT: OGSR/Commission for Independent Education

DATE: February 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Scott	Klebacha		HE SPB 7004 as introduced
1.	Kim	McVane	GO	Favorable
2.			RC	

I. Summary:

SB 7004 saves the public records exemption for investigatory records and public meetings exemption relating to disciplinary proceedings conducted by the Commission for Independent Education from their scheduled repeal on October 2, 2015.

The bill takes effect July 1, 2015.

II. Present Situation:

Public Records and Open Meetings Requirements

The Florida Constitution provides that the public has the right to access government records and meetings. The public may inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.¹ The public also has a right to be afforded notice and access to meetings of any collegial public body of the executive branch of state government or of any local government.² The Legislature's meetings must also be open and noticed to the public, unless there is an exception provided for by the Constitution.³

In addition to the Florida Constitution, the Florida Statutes specify conditions under which public access must be provided to government records and meetings. The Public Records Act⁴ guarantees every person's right to inspect and copy any state or local government public record.⁵

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(b).

³ FLA. CONST., art. I, s. 24(b).

⁴ Chapter 119, F.S.

⁵ Section 119.011(12), F.S., defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means

The Sunshine Law⁶ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.⁷

The Legislature may create an exemption to public records or open meetings requirements.⁸ An exemption must specifically state the public necessity justifying the exemption⁹ and must be tailored to accomplish the stated purpose of the law.¹⁰

Open Government Sunset Review Act

The Open Government Sunset Review Act (referred to hereafter as the “OGSR”) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹¹ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹²

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹³ An exemption serves an identifiable purpose if it meets one of the following criteria:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹⁴

of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.” The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992). The Legislature’s records are public pursuant to section 11.0431, F.S.

⁶ Section 286.011, F.S.

⁷ Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in the Florida Constitution. Article III, section 4(e) of the Florida Constitution provide that legislative committee meetings must be open and noticed to the public. In addition, prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

⁸ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential* and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential, such record may not be released, to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ Section 119.15, F.S. Section 119.15(4)(b), F.S. provides that an exemption is considered to be substantially amended if it expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to section 119.15(2), F.S.

¹² Section 119.15(3), F.S.

¹³ Section 119.15(6)(b), F.S.

¹⁴ Section 119.15(6)(b)1., F.S.

- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;¹⁵ or
- It protects trade or business secrets.¹⁶

In addition, the Legislature must find that the identifiable public purpose is compelling enough to override Florida's open government public policy and that the purpose of the exemption cannot be accomplished without the exemption.¹⁷

The OGSR also requires specific questions to be considered during the review process.¹⁸ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.¹⁹ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁰

Commission for Independent Education

Disciplinary Proceedings

The Commission for Independent Education²¹ (Commission) created within the Florida Department of Education approves applications submitted by independent postsecondary educational institutions for licensure to operate in the state and to award diplomas and degrees.²² The Commission is authorized to deny, revoke, or place on probation any license that it has granted and to investigate and initiate disciplinary proceedings against licensed institutions suspected of violating chapter 1005, Florida Statutes, or a Commission rule.²³ The results of an investigation are reported to a panel to determine whether there is probable cause to find that a

¹⁵ Section 119.15(6)(b)2., F.S.

¹⁶ Section 119.15(6)(b)3., F.S.

¹⁷ Section 119.15(6)(b), F.S.

¹⁸ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

¹⁹ FLA. CONST., art. I, s. 24(c).

²⁰ Section 119.15(7), F.S.

²¹ Seven members are appointed by the Governor to serve on the Commission, subject to Senate confirmation pursuant to section 1005.21(2), F.S.

²² Sections 1005.05 and 1005.21(1) and (2), F.S. *See also*, ss. 1005.06 and 1005.31(1)(a), F.S. An independent postsecondary educational institution that is not within the Commission's jurisdiction is not required to obtain licensure.

²³ Section 1005.38(1) and (6), F.S.

violation of a law or rule has occurred.²⁴ These meetings are closed to the public; however, the meeting must be recorded, and no portion of the meeting may be off the record.

Publication of Investigatory Records and Panel Meeting Records

During the investigatory process and disciplinary proceedings, any records or meetings held by the Commission, including the recordings and minutes of meetings, are confidential and exempt from disclosure for no longer than 10 days after a probable cause panel makes its determination.²⁵

Any records or portions of meetings that contain information that is protected under state or federal law maintain their protected status after investigatory records are made public.²⁶ Such information would be redacted by the Commission before being released.²⁷

Scheduled for Repeal Unless Reenacted

As required by the Open Government Sunset Review Act, the exemptions are scheduled for repeal on October 2, 2015, unless reenacted by the Legislature.²⁸ If the exemptions are not saved from repeal by the Legislature before October 2, 2015, the investigatory records and probable cause hearings held by the Commission will be subject to public disclosure.²⁹

Legislative Review of Exemptions

Pursuant to the OSGR, the Commission recommended that the exemption be continued.³⁰ The exemption protects independent colleges and universities from unwarranted damage to their reputations until a thorough investigation is completed.³¹

III. Effect of Proposed Changes:

SB 7004 amends s. 1005.38(6), F.S., by removing the scheduled repeal date to maintain the existing public records and meeting exemptions for investigatory records and probable cause panel meetings associated with disciplinary proceedings initiated by the Commission.

The bill takes effect July 1, 2015.

²⁴ Section 1005.38(6)(a), F.S.

²⁵ Section 1005.38(6)(b), F.S.

²⁶ Title 20 U.S.C. s. 1232g, Family Educational Rights and Privacy Act (FERPA), provides federal protection for student records. Section 1002.221, F.S., provides that student records under FERPA are confidential and exempt under Florida Law.

²⁷ Section 119.07(1)(d), F.S.

²⁸ Section 1005.38(6)3., F.S.

²⁹ The Commission for Independent Education recommends in its response to an Open Government Sunset Review Questionnaire that the Legislature reenact the public records and meetings exemptions, stating that “it is foreseeable that an investigation could be compromised” if the records and meetings were open to the public (received December 18, 2014; on file with the Senate Committee on Higher Education). Also, in a letter addressed to the chairs of the Senate Committee on Governmental Oversight and Accountability and the House State Affairs Committee, the First Amendment Foundation does not object to reenactment of the exemptions as written, stating that the exemptions are “sufficiently narrow.” (dated August 22, 2014; on file with the Senate Committee on Higher Education).

³⁰ Open Government Sunset Review Questionnaire survey results, on file with the Senate Committee on Higher Education.

³¹ *Id.*

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

None.

B. Public Records/Open Meetings Issues:

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members of each house of the Legislature for final passage of a bill that creates an exemption for public records or meetings. The bill does not create an exemption, nor does it expand the scope of an existing exemption; therefore, a two-thirds vote of the members of each house of the Legislature is not required for final passage of the bill.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill amends section 1005.38 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 the Committee on Higher Education

589-00879-15

20157004__

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 1005.38, F.S., relating to exemptions from public records and meeting requirements for investigatory records held by and portions of meetings conducted by the Commission for Independent Education in disciplinary proceedings; saving the exemptions from repeal under the Open Government Sunset Review Act; providing an effective date.

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

Section 1. Paragraph (b) of subsection (6) of section 1005.38, Florida Statutes, is amended to read:

1005.38 Actions against a licensee and other penalties.—

(6) The commission may conduct disciplinary proceedings through an investigation of any suspected violation of this chapter or any rule of the commission, including a finding of probable cause and making reports to any law enforcement agency or regulatory agency.

(b)1. All investigatory records held by the commission in conjunction with an investigation conducted pursuant to this subsection are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period not to exceed 10 days after the panel makes a determination regarding probable cause.

2.a. Those portions of meetings of the probable cause panel at which records made exempt pursuant to subparagraph 1. are discussed are exempt from s. 286.011 and s. 24(b), Art. I of the

Page 1 of 2

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

589-00879-15

20157004__

State Constitution. The closed portion of a meeting must be recorded and no portion of the closed meeting may be off the record. The recording shall be maintained by the commission.

b. The recording of a closed portion of a meeting and the minutes and findings of such meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period not to exceed 10 days after the panel makes a determination regarding probable cause.

~~3. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2015, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

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

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 Governmental Oversight and Accountability

BILL: CS/SB 200

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Latvala

SUBJECT: Public Records/E-mail Addresses/Tax Notices

DATE: February 18, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Favorable
2.	Kim	McVaney	GO	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 200 creates an exemption from the public records laws for e-mail addresses of taxpayers held by tax collectors for the purposes of e-mailing tax notices or obtaining permission from the taxpayer to do so. Current law does not provide an exemption for e-mail addresses held for such purposes.

The bill provides for repeal of the exemption on October 2, 2020, unless reviewed and reenacted by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Because the bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

II. Present Situation:

Public Records Laws

The State Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of

the state, or of persons acting on their behalf.¹ The State Constitution states that the records of the legislative, executive, and judicial branches are all subject to public disclosure.²

Only the Legislature may create an exemption to public records requirements.³ There is a difference between records the Legislature designates as ‘exempt’ from public records requirements and those the Legislature designates as ‘confidential and exempt.’ A record classified as exempt from public disclosure may be disclosed under certain circumstances.⁴ If the Legislature designates a record as confidential and exempt from public disclosure, a public records custodian may not release the record to anyone other than the persons or entities specifically designated in the statutory exemption.⁵

An exemption must be created by general law and must specifically state the public necessity justifying the exemption.⁶ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions⁷ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.⁸

The Open Government Sunset Review Act prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.⁹ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁰

Public Records Status of E-mail Addresses and Agency Website Notice

Under Florida law, e-mail addresses are public records.¹¹ Agency¹² websites that use e-mail are required to post a notice to users making them aware of this fact and advising them not to send e-mail to the agency if they do not want their e-mail address released in response to a public records request.¹³

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ FLA. CONST., art. I, s. 24(c).

⁴ *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004). *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)

⁵ Op. Att’y Gen. Fla. 85-62 (1985)

⁶ FLA. CONST., art. I, s. 24(c).

⁷ The bill may, however, contain multiple exemptions that relate to one subject.

⁸ FLA. CONST., art. I, s. 24(c).

⁹ Section 119.15, F.S.

¹⁰ Section 119.15(3), F.S.

¹¹ Section 119.011(12), F.S., defines “public records” as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” See Attorney General Opinion 96-34, May 15, 1996.

¹² Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

¹³ Section 668.6076, F.S.

Notices of Taxation

Tax collectors may send notices of taxation to taxpayers by e-mail in two situations: (1) if the taxpayer has applied to participate in a prepayment installment plan,¹⁴ or (2) if the tax collector has received express consent from the taxpayer to do so.¹⁵

E-mail Addresses and Crimes

Fraudsters replicate federal and state tax agency websites and use them when e-mailing the public for criminal purposes. The Internal Revenue Service (IRS) has issued consumer warnings about fraudsters posing as the IRS and soliciting personal information in the form of an e-mail, a scam which is known as phishing. The fake notice may entice a taxpayer by stating that the taxpayer is due for a refund and the taxpayer must submit personal and financial information in order for the refund to be disbursed. Another fake notice may threaten an individual if he or she does not provide requested personal information. The fraudster then uses the information to empty a victim's bank account, use the victim's credit cards and apply for loans in the victim's name.¹⁶ According to the IRS, phishing and identity theft are two of the top twelve tax scams employed by fraudsters.¹⁷ In 2014, the Governor of New York issued a statement warning consumers that scammers were posing as the IRS and the New York Department of Taxation and Finance and threatening people with fines, arrest and other penalties if they did not immediately pay owed taxes.¹⁸

In Florida, Attorney General Pam Bondi has issued consumer protection warnings and news releases about the dangers of phishing.¹⁹ On January 20, 2015, Attorney General Pam Bondi's office issued a news release about tax fraud awareness, and warned the public about identity thieves accessing personal information by e-mail.²⁰ The Florida Department of Highway Safety and Motor Vehicles was the subject of the e-mail phishing incident in which its name, e-mail address and transactional receipts were sent to the public. The e-mails directed the recipient to visit a third party website, which may have contained computer programs designed to harm the user.²¹

¹⁴ Section 197.222(3), F.S.

¹⁵ Sections 197.322(3), 197.343(1), and 197.344(1), F.S.

¹⁶ Identity Theft E-mail Scams a Growing Problem. IRS publication FS 2008-9, dated January 2008.

¹⁷ IRS Completed the "Dirty Dozen" Tax Scams of 2015. IRS publication IR-2015-26, dated February 2015.

¹⁸ Consumer Alert- NYS Division of Consumer Protection and the NYS Tax Department Caution New Yorkers to Beware of Elaborate Tax Collection Scams. <http://www.tax.ny.gov/press/rel/2014/consumerwarning040114.htm>. Last checked on February 11, 2015.

¹⁹ Florida Attorney General, Consumer Protection, How to Protect Yourself: Phishing.

http://myfloridalegal.com/_85256CC5006DFCC3.nsf/0/D3C503749286AF3885256E4C0072015D?Open&Highlight=0,phishing, last checked February 9, 2015.

²⁰ Tax Identity Theft Awareness Week, Attorney General Pam Bondi News Release, Dated January 25, 2015

http://myfloridalegal.com/_852562220065EE67.nsf/0/178F807FB451A69085257DD900737B2E?Open&Highlight=0,tax

²¹ Fraudsters Use Agency's Name and Email Address for Phishing Expedition- Highway safety agency warns of email spam. Press Release dated February 7, 2013 by the Florida Department of Highway Safety and Motor Vehicles. <http://www.flhsmv.gov/news/2013.htm>. Last visited on February 12, 2015.

III. Effect of Proposed Changes:

This bill makes taxpayer e-mail addresses exempt from the public records laws if the e-mail addresses are held by tax collectors specifically for the purposes of:

- Sending a quarterly tax notice for prepayment of estimated taxes to tax payers, pursuant to s. 197.222(3), F.S.;
- Obtaining the taxpayer's consent to send tax notices, and e-mailing tax notices stating the amount of taxes due or outstanding and any discounts which may apply pursuant to s. 197.322(3), F.S.;
- Sending an additional tax notice or delinquent tax notice to the taxpayer under s. 197.343, F.S.; or
- Sending a tax notice to a designated third party, mortgagee, or vendee as provided under s. 197.344(1), F.S.

The bill does not make taxpayer e-mail addresses provided to a tax collector for any other purpose exempt from the public record.

The bill provides a statement of public necessity as required by the State Constitution. The public necessity states that the Legislature finds that e-mail addresses, when combined with personal identifying information, can be used for identity theft, scams and invasive contact. The public necessity statement provides that this exemption helps protect taxpayers from harm.

The bill provides that the exemption will take effect on July 1, 2015. The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and reenacted by the Legislature.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption for taxpayer e-mail addresses held by a tax collector; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption for taxpayer information; thus, it includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption limited to the e-mail address of a taxpayer when those e-mail addresses are used for the four enumerated purposes named in the bill. The exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

The bill likely will benefit taxpayers by reducing their exposure to economic harm from identity theft or spam e-mail.

C. Government Sector Impact:

The bill may have a minimal fiscal impact on tax collectors because staff responsible for complying with public record requests could require training related to expansion of the public record exemption. Tax collectors may have to increase spending on technology if new computer programs are employed to separate e-mail addresses used for different purposes. In addition, tax collectors may incur costs associated with redacting exempt information prior to releasing a record. The costs, however, may be absorbed as part of the day-to-day responsibilities of the staff of the tax collectors.

To the extent this exemption encourages taxpayers to choose to receive certain information via e-mail, tax collectors will reduce the amount of money spent on postage.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The analysis performed by the Department of Revenue²² states that the list of documents in the bill may not be an exhaustive list of official documents authorized to be sent to and from tax collectors by e-mail.²³ It is unclear if the omission from the list of certain purposes for which a tax collector holds a taxpayer's e-mail address is intentional or not.

VIII. Statutes Affected:

This bill creates section 197.3225 of the Florida Statutes.

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

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

CS by Governmental Oversight and Accountability on February 17, 2015:

The CS makes a technical change to status of the exemption from 'confidential and exempt' to 'exempt.' As originally drafted, the bill provided no means for the records custodian to release e-mail addresses to any entity without a court order. This change permits the records custodian the flexibility to release e-mail addresses at his or her discretion.

B. Amendments:

None.

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

²² 2015 Department of Revenue Legislative Bill Analysis, dated January 12, 2015.

²³ See ss. 197.182(1)(m), 197.432(7), and 197.472(5), F.S.



285152

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2015	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment

Delete lines 16 - 18
and insert:

197.3225 Public records exemption; taxpayer e-mail
addresses.-

(1) A taxpayer's e-mail address held by a tax collector for
any of the following purposes is exempt from s.



148956

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2015	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment

Delete line 36
and insert:
transmission of a tax notice be made exempt

By Senator Latvala

20-00144-15

2015200__

A bill to be entitled

An act relating to public records; creating s. 197.3225, F.S.; providing an exemption from public records requirements for e-mail addresses obtained by a tax collector for the purpose of electronically sending certain tax notices or obtaining the consent of a taxpayer for electronic transmission of certain tax notices; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 197.3225, Florida Statutes, is created to read:

197.3225 Confidentiality of e-mail addresses.—

(1) A taxpayer's e-mail address held by a tax collector for any of the following purposes is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Sending a quarterly tax notice for prepayment of estimated taxes to the taxpayer pursuant to s. 197.222(3).

(b) Obtaining the taxpayer's consent to send the tax notice described in s. 197.322(3).

(c) Sending an additional tax notice or delinquent tax notice to the taxpayer pursuant to s. 197.343.

(d) Sending a tax notice to a designated third party, mortgagee, or vendee pursuant to s. 197.344(1).

(2) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed

20-00144-15

2015200__

on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the e-mail address of a taxpayer which is held by a tax collector for the purpose of sending a tax notice or obtaining the consent of the taxpayer to the electronic transmission of a tax notice be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. E-mail, rather than traditional postal mail, is increasingly used as a means for communicating and conducting business, including official state and local business such as the payment of taxes. In order to conduct business electronically with a tax collector, the taxpayer must report his or her personal e-mail address. Under current law, e-mail addresses are public records available to anyone for any purpose. However, such addresses are unique to the individual and, when combined with other personal identifying information, can be used for identity theft, taxpayer scams, and other invasive contacts. The public availability of personal e-mail addresses invites and exacerbates thriving and well-documented criminal activities and puts taxpayers at increased risk of harm. Such harm would be significantly curtailed by allowing a tax collector to preserve the confidentiality of taxpayer e-mail addresses.

Section 3. This act shall take effect July 1, 2015.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development, *Chair*
Appropriations
Commerce and Tourism
Governmental Oversight and Accountability
Regulated Industries
Rules

SENATOR JACK LATVALA

20th District

February 3, 2015

The Honorable Jeremy Ring, Chair
Senate Committee on Governmental Oversight and Accountability
525 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Ring:

I respectfully request consideration of Senate Bill 200 regarding a Public Records Exemption for Taxpayers' Email Addresses. I would greatly appreciate the opportunity to present this legislation to the Committee on Governmental Oversight and Accountability as soon as possible. The bill was favorably referred from Community Affairs on February 3rd.

This bill will provide a public records exemption for the private email addresses of residents who receive electronic payment and notice documents directly from their tax collector.

If you have any questions regarding this legislation, please contact me. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Jack Latvala".

Jack Latvala
State Senator
District 20

Cc: Joe McVaney, Staff Director; Allison Rudd, Administrative Assistant

REPLY TO:

- ☐ 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- ☐ 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

FEB 17, 2015

Meeting Date

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

200

Bill Number (if applicable)

Topic TAX COLLECTORS/PUBLIC RECORDS

Amendment Barcode (if applicable)

Name LAURA YOUMANS

Job Title LEGISLATIVE ADVOCATE

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA ASSOCIATION OF COUNTIES

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/15

Meeting Date

SB 200

Bill Number (if applicable)

Topic Prevention of Taxpayer Fraud

Amendment Barcode (if applicable)

Name Carole Jean Jordan

Job Title Tax Collector in and for Indian River Cnty Political Subdivision

Address P.O. Box 1509
Street

Phone 772-226-1338

Vero Beach
City

FL
State

32961-2509
Zip

Email CJordan@IRLTax.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Indian River Tax Collector

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/15

Meeting Date

SB 200

Bill Number (if applicable)

Topic Prevention of Fraud

Amendment Barcode (if applicable)

Name Tim Qualls

Job Title Executive Director

Address 215 S. Monroe St

Phone 850-222-7206

Street

Tallahassee,

City

FL

State

32302

Zip

Email TQualls@YULAW.NET

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Tax Collectors Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
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 Governmental Oversight and Accountability

BILL: SPB 7024

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: State Board of Administration

DATE: February 18, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Peacock	McVaney		GO Submitted as Committee Bill

I. Summary:

SPB 7024 repeals the current limitation on the authority of the State Board of Administration to invest the funds of the Florida Retirement System Trust Fund in institutions doing business in or with Northern Ireland.

The bill directs the State Board of Administration to distribute any residual balance in the Fund B Surplus Funds Trust Fund, after the original principal balance has been repaid to the trust fund participants, based on each's participant's proportional share of the November 2007 interest earnings that were withheld from distribution and transferred to the Fund B Surplus Funds Trust Fund.

The bill establishes an effective date of July 1, 2015.

II. Present Situation:

State Board of Administration

The State Board of Administration (SBA) is created in Art. IV, s. 4 (e) of the State Constitution. The Governor, the Chief Financial Officer, and the Attorney General serve as the trustees of the SBA. The SBA derives its powers to oversee state funds from Art. XII, s. 9 of the State Constitution. The SBA provides a variety of investment services to various governmental entities at both the state and local government levels.

The SBA has responsibility to invest the funds of the Florida Retirement System (FRS) Trust Fund which holds the assets of the FRS Pension Plan and the FRS Investment Plan. The FRS is the primary retirement system for employees of the state, universities, state colleges, school boards, counties, and various other local governments in Florida. The table below shows the primary funds the SBA invests and the balances of those funds as of February 12, 2015.¹

¹ State Board of Administration "Daily Estimate Report" as of February 12, 2015, issued February 13, 2015.

All SBA Funds - Estimated Market Values As of February 12, 2015 Market Close	
Fund Name	Estimated Current Value
Florida Retirement System Pension Plan	\$148,243,157,046
Florida PRIME	\$7,857,568,646
Fund B Surplus Funds Trust Fund	\$41,784,675
Florida Retirement System Investment Plan	\$8,784,737,298
Lawton Chiles Endowment Fund	\$624,855,988
Other SBA Mandates	\$16,352,489,404
Total	\$181,904,593,058

In investing assets, the SBA is statutorily directed to follow the fiduciary standards of care set forth in the Employee Retirement Income Security Act (ERISA), subject to certain limitations.² Pursuant to s. 215.444, F.S., a nine-member Investment Advisory Council provides recommendations on investment policy, strategy, and procedures. The SBA's ability to invest the FRS assets is governed by s. 215.47, F.S., which provides for a "legal list" of the types of investments and for how much of the total fund may be invested in each investment type.

Restrictions on Investments in Northern Ireland

Section 121.153, F.S., was enacted by the Florida Legislature in 1988 and requires the SBA to determine the existence of affirmative action taken to eliminate the ethnic or religious discrimination practiced by the government of Northern Ireland, or with agencies or instrumentalities thereof.

Section 121.153(1)(b), F.S., lists nine (9) types of affirmative actions to eliminate the ethnic or religious discrimination practiced by the Northern Ireland government, agencies and instrumentalities thereof. These affirmative actions include:

- Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs;
- Providing adequate security for the protection of minority employees both at the workplace and while traveling to and from work;
- Banning provocative religious or political emblems from the workplace;
- Publicly advertising all job openings and making special recruitment efforts to attract applicants from underrepresented religious groups;
- Providing that layoff, recall, and termination procedures should not in practice favor particular religious groupings;
- Abolishing job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin;
- Developing training programs that will prepare substantial numbers of current minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees;

² Sections 215.44 and 215.47, F.S.

- Establishing procedures to assess, identify, and actively recruit minority employees with potential for further advancement; and
- Appointing senior management staff members to oversee affirmative action efforts and setting up timetables to carry out affirmative action principles.

These above 9 affirmative actions are known as the MacBride Principles.³

To assure compliance with the statutory restrictions, the SBA subscribes to several research services, which collect and analyze employment and other data on businesses operating within Northern Ireland (either through direct owned businesses, wholly-owned subsidiaries, or partially-owned subsidiaries). These research services provide the SBA with summaries of corporate fair employment practices, regulatory developments, and other information relevant to the corporate governance of companies with business operations in Northern Ireland.

In regards to FRS Trust Fund assets deposited in any financial institution, the SBA requires each financial institution to report whether it makes loans or extends credit to Northern Ireland or national corporations of Northern Ireland or agencies or instrumentalities thereof. To comply, the SBA annually solicits input from Bank of America, BNY Mellon, BlackRock, and Wells Fargo. During the 2014 fiscal year, Bank of America, BNY Mellon, BlackRock, and Wells Fargo reported no Northern Ireland lending activity or operations, consistent with the last several years.

Additionally, the SBA's Corporate Governance Principles and Proxy Voting Guidelines incorporate these statutory requirements, and the SBA has historically supported any investor proposals advocating the elimination of ethnic or religious discrimination practices in Northern Ireland. Since 2011, there have been no shareowner proposals submitted covering Northern Ireland and the implementation of the MacBride principles.⁴

Local Government Surplus Trust Fund and Fund B Surplus Funds Trust Fund

The Local Government Surplus Trust Fund (now known as "Florida Prime") was created by the Florida Legislature in 1977.⁵ The Local Government Surplus Funds Trust Fund is open to all units of local government in Florida to invest their surplus funds. The primary investment objectives are safety, liquidity, and competitive returns with minimization of risks.⁶ This fund currently serves over 800 participants across the state, and the fund has pool assets of \$7.86 billion as of February 12, 2015.

In November 2007, the Local Government Surplus Funds Trust Fund experienced an unanticipated liquidity crisis when participants withdrew an unprecedented \$14 billion in funds in a single month. The withdrawals were triggered by fears of exposure to so-called "subprime commercial paper."

³ Neil J. Conway, *Investment Responsibility in Northern Ireland: The MacBride Principles of Fair Employment*, 24 Loy. L.A. Int'l & Comp. L. Rev 1 (Jan. 2002).

⁴ SBA analysis of SB 7024, dated February 11, 2015 (on file with the Committee on Governmental Oversight and Accountability).

⁵ Section 218.405, F.S.

⁶ Section 218.405(2), F.S.

Although less than one half of one percent of the fund was comprised of securities that, while rated top-tier at the time of purchase, subsequently became distressed, media reports fueled investor fears about the quality and security of the investments. Many participants lost confidence in the fund, leading to what can best be described as a classic “run on the bank” that significantly diminished the liquidity in the investment pool.

Faced with this liquidity crisis, the SBA’s Trustees implemented a temporary four-day freeze on withdrawals and deposits and created a separate second fund, the “Fund B Surplus Funds Trust Fund,” to hold these distressed securities. Fund B was also seeded with additional funding coming from the reserve account that existed in the Local Government Surplus Funds Trust Fund and the approximately \$95 million in November 2007 interest payments, which would have been distributed to all local government investment pool participants at month-end.

In 2008, the Florida Legislature passed a law to address the repayment of principal to Local Government Surplus Funds Trust Fund participants⁷ and statutorily created the Fund B Surplus Funds Trust Fund.⁸ Fund B’s goal was to maximize the present value of original principal balances. As of September 2014, Fund B participants have received 100% of their original principal. Since returning 100% of participant’s principal, additional returns and legal settlements have produced a residual balance within Fund B of approximately \$43 million.

The current statute has been interpreted to only allow residual proceeds to be returned to the fund from which they came (i.e., the Local Government Surplus Funds Trust Fund). The Participant Local Government Advisory Council, created in law in 2008, met to discuss the fair and appropriate distribution of residual proceeds. The Council determined the most equitable method of distribution would be the transfer of residual proceeds to those who were members in November 2007, on a pro-rata share of the interest withheld in November 2007.

III. Effect of Proposed Changes:

Section 1 repeals s. 121.153, F.S., to remove the restrictions placed on the SBA authority to invest FRS Trust Fund assets in stocks, securities, or other obligations of any institution or company doing business in or with Northern Ireland.

Section 2 amends s. 218.421, F.S., to direct the SBA to distribute the residual balance of the Fund B Surplus Funds Trust Fund to fund participants who were members in November 2007, on a pro-rata share of the interest earnings withheld in November 2007.

Section 3 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require counties or municipalities to take an action requiring an expenditure of funds, reduce the authority that counties or municipalities have to raise

⁷ Section 218.422, F.S.

⁸ Section 218.417, F.S.

revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Section 2 of the bill directs the State Board of Administration to distribute the remaining balance of the Pool B (approximately \$41 million today) to local governments who were participants of the Local Government Surplus Funds Trust Fund in November 2007 and did not receive an interest distribution during that month.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals section 121.153 of the Florida Statutes.

This bill substantially amends section 218.421 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.

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

585-01520-15

20157024pb

A bill to be entitled

An act relating to the State Board of Administration; repealing s. 121.153, F.S., relating to restrictions on investments in institutions doing business in or with Northern Ireland; amending s. 218.421, F.S.; establishing conditions for the transfer of any residual balance in the Fund B Surplus Funds Trust Fund upon self-liquidation; specifying the method of calculating the payment amount to an entitled participant; requiring that additional income received after distribution of the residual balance be deposited in the Local Government Surplus Funds Trust Fund; providing an effective date.

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

Section 1. Section 121.153, Florida Statutes, is repealed.

Section 2. Paragraph (e) of subsection (2) of section 218.421, Florida Statutes, is amended to read:

218.421 Fund B Surplus Funds Trust Fund; purpose; rulemaking; administration; reporting.—

(2)

(e) After the trust fund self-liquidates through the full return of the original principal balance to trust fund participants and the payment of all expenses related to the liquidation of assets, any residual balance shall be transferred, within a timeframe established by the board, back to each participant in the Local Government Surplus Funds Trust Fund who had been entitled to, but had not received, a November

585-01520-15

20157024pb

2007 interest payment on invested funds at any time during that month. The amount paid to such participants shall be based on each participant's proportional share of the total November 2007 interest earned by such participants in the Local Government Surplus Funds Trust Fund which was not paid out but transferred to the trust fund in order to maximize the payout of principal. If income attributable to an investment held directly or indirectly at any time by the trust fund is received by the board after the residual balance has been paid out to all entitled participants, such income shall be deposited in the Local Government Surplus Funds Trust Fund, any remaining reserve may be transferred by the trustees at their sole discretion back to the trust fund from which the assets were originally separated.

Section 3. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17

Meeting Date

7024

Bill Number (if applicable)

Topic SBA

Amendment Barcode (if applicable)

Name Chris Hansen

Job Title Lobbyist

Address Ballard Partners

Phone 577-0444

Street

Tallahassee

FL

Email Chansen@ballardfl.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Association of Florida Colleges

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/15
Meeting Date

SPB 7024
Bill Number (if applicable)

Topic Local Government Surplus Trust Fund / Fund B Surplus Trust Fund Amendment Barcode (if applicable)
Name James B. Himmelfarb

Job Title _____

Address 4031 Teal Way
Street
Gainesville FL 32507
City State Zip

Phone 813-624-2171
Email james.b.himmelfarb@cofl.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Hillsborough County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/15

Meeting Date

7024

Bill Number (if applicable)

Topic STATE BOARD OF ADMINISTRATION

Amendment Barcode (if applicable)

Name ASH WILLIAMS

Job Title EXECUTIVE DIRECTOR & CIO

Address 1801 HERMITAGE BLVD

Phone 850 413-1250

Street

TALLAHASSEE FL 32308

City

State

Zip

Email ASHWILLIAMS@SBAFLA.COM

Speaking: ☒ For ☐ Against ☐ Information

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

Representing STATE BOARD OF ADMINISTRATION

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

FEB 17, 2015
Meeting Date

7024
Bill Number (if applicable)

Topic STATE BOARD OF ADMIN.

Amendment Barcode (if applicable)

Name LAURA YOUNANS

Job Title ADVOCATE

Address 100 S. MONROE

Phone 244-1838

Street

TAL.

Email _____

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA ASSOC. OF COUNTIES

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/15

Meeting Date

7024

Bill Number (if applicable)

Topic SPB 7024

Amendment Barcode (if applicable)

Name Spencer Pylant

Job Title Gov Relations Liaison

Address 7227 Land O' Lakes Blvd
Street

Phone 813-388-0020

Land O' Lakes FL 34638
City State Zip

Email spylant@pasco.k12.fl.us

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Pasco County Schools

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/15

Meeting Date

7024

Bill Number (if applicable)

Topic State Board of Administration

Amendment Barcode (if applicable)

Name Ruth Melton

Job Title Director of Government Relations

Address 203 S. Monroe

Phone _____

Street

Tally

City

State

32301

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida School Boards Assn

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
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 Governmental Oversight and Accountability

BILL: SPB 7026

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: State Group Insurance Program

DATE: February 18, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. McVaney	McVaney		GO Submitted as Committee Bill

I. Summary:

SPB 7026 requires the Department of Management Services (DMS) to ensure that a contracted health maintenance organization (HMO) provides a member under the age of 21 with access to medical services within three months of the request for early and periodic screening, diagnostic, and treatment requirements if they are covered under the state group insurance plan.

The bill sets forth contractual requirements between DMS and the HMOs and specifies grievance or complaint procedures. HMO quarterly reporting to DMS regarding grievances or complaints is required. DMS is required to establish financial consequences and fines if the network adequacy, timely referral and the reasonable access provisions of this bill are not met.

This bill may have a negative indeterminate fiscal impact to the State Employees' Health Insurance Trust Fund.

This bill provides an effective date of July 1, 2015.

II. Present Situation:

State Group Insurance Program

Under the authority of s. 110.123, F.S., the Department of Management Services (DMS), through the Division of State Group Insurance, administers the state group insurance program by providing employee benefits such as health, life, dental, and vision insurance products under a cafeteria plan consistent with section 125, Internal Revenue Code.

To administer the state group health insurance program, DMS contracts with third party administrators, health maintenance organizations (HMO), and a pharmacy benefits manager for the State Employees' Prescription Drug Plan pursuant to s. 110.12315, F.S.

HMOs are subject to the accreditation requirements of s. 641.512, F.S. Further, s. 641.495(4), F.S., states in part, “the organization shall ensure that the health care services it provides to subscribers, including physician services as required by s. 641.19(12)(d) and (e), F.S., are accessible to the subscribers, with reasonable promptness, with respect to geographic location, hours of operation, provision of after-hours service, and staffing patterns within generally accepted industry norms for meeting the projected subscriber needs.

In addition, HMOs are subject to Florida Administrative Code Rule 59A-12.006, regarding the quality of care provided. Specifically, paragraph (3) states in pertinent part:

[The HMO shall] [e]nsure that the health care services it provides or arranges for are accessible to the subscriber with reasonable promptness. Such services shall include, at a minimum:

- (a) Establishment of an appointment system;
- (b) A method to distinguish among emergency, urgent, and routine cases.
 - 1. Emergencies will be seen immediately;
 - 2. Urgent cases will be seen within 24 hours;
 - 3. Routine symptomatic cases will be seen within two weeks; and
 - 4. Routine non-symptomatic cases will be seen as soon as possible.

...

- (f) Maintenance of staffing patterns within generally accepted HMO industry norms for meeting projected subscriber needs and for expeditiously satisfying the requirements of the benefit package as offered by the HMO; and
- (g) Maintenance of a professional staff or arrangements with providers, duly licensed as required to practice in Florida.

The time required to schedule appointments and adequacy of access is currently regulated as specified above. In rare instances and based on the realities of a clinical practice, it may take more time than specified in the timeframes above for a subscriber or member to receive a service. Some examples of when the time period may extend beyond the prescribed timeframes include when: 1) requested care is for a rare subspecialty, 2) the physician needs more time to review medical records or order special testing before scheduling an appointment, 3) the physician has an extended wait time for routine care, or 4) in some areas, demand is high and there is a shortage of health care providers. All HMOs provide a customer service line to assist subscribers with finding access to care in a reasonable amount of time for circumstances such as these. To ensure patients can be seen as quickly as possible, subscribers may be given the option to choose a different health care provider than their preferred choice.¹

DMS’s current contracts require access standards to health care providers, and performance guarantees are in place for these access standards with financial consequences for failure to comply. It is important to note that DMS is not a party to the private business contracts between the HMOs and their network providers.

¹ 2015 Legislative Bill Analysis for SPB 7026 by the Department of Management Services, dated February 12, 2015, and on file with the Committee on Governmental Oversight and Accountability.

Complaint and grievance procedures are currently established as required by the state laws² applicable to HMOs. The appeal process for self-insured HMOs is governed by Chapter 120, F.S. and Florida Administrative Code Rule 60P.

The federal Patient Protection and Affordable Care Act³ requires health insurers, including HMOs, to allow subscribers to request an external review, including an expedited external review when the HMO has denied a patient's request for payment of a claim under certain circumstances. The external review process is limited to a denial of a patient's request for payment of a claim and the denial involves a medical judgment. The term medical judgment includes, but is not limited to, a decision based on medical necessity, appropriateness, health care setting, level of care or effectiveness of the health care service or treatment requested, or a determination that the treatment is experimental or investigational.

The expedited external review process under federal law is limited to patients with life threatening conditions that would seriously jeopardize the patient's life or health or ability to regain maximum function or in the opinion of the physician would subject the patient to severe pain that could not managed with the care or treatment subject to the urgent appeal.

The DMS's current contracts require HMOs to maintain a record of all grievances or appeals, as applicable, and provide a summary to the Department quarterly or more frequently, if requested. The report provides a narrative summary of the reasons for the grievance, disposition, and corrective actions as a result of the grievance.

Early and Periodic Screening, Diagnostic and Treatment Benefits

In the Medicaid program, Florida is required to provide comprehensive services and furnish services that are covered under Medicaid, appropriate, medically necessary and needed to correct and ameliorate health conditions, based on certain federal guidelines. The Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefits⁴ are made up of the following screening, diagnostic, and treatment services:

1. Screening Services

- Comprehensive health and developmental history
- Comprehensive unclothed physical exam
- Appropriate immunizations (according to the Advisory Committee on Immunization Practices)
- Laboratory tests (including lead toxicity screening)
- Health Education (anticipatory guidance including child development, healthy lifestyles, and accident and disease prevention)

2. Vision Services

At a minimum, diagnosis and treatment for defects in vision, including eyeglasses. Vision services must be provided according to a distinct periodicity schedule developed by the state and at other intervals as medically necessary.

² See s. 641.511, F.S.

³ Section 1001 of Pub. L. No. 111-148.

⁴See <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Benefits/Early-and-Periodic-Screening-Diagnostic-and-Treatment.html> (last viewed on February 15, 2015).

3. Dental Services

At a minimum, dental services include relief of pain and infections, restoration of teeth, and maintenance of dental health. Dental services may not be limited to emergency services. Each state is required to develop a dental periodicity schedule in consultation with recognized dental organizations involved in child health.

4. Hearing Services

At a minimum, hearing services include diagnosis and treatment for defects in hearing, including hearing aids.

5. Other Necessary Health Care Services

States are required to provide any additional health care services that are coverable under the Federal Medicaid program and found to be medically necessary to treat, correct or reduce illnesses and conditions discovered regardless of whether the service is covered in a state's Medicaid plan. It is the responsibility of states to determine medical necessity on a case-by-case basis.

6. Diagnostic Services

If a screening examination indicates the need for further evaluation of an individual's health, diagnostic services must be provided. Necessary referrals should be made without delay and there should be follow-up to ensure the enrollee receives a complete diagnostic evaluation. States should develop quality assurance procedures to assure that comprehensive care is provided.

7. Treatment

Necessary health care services must be made available for treatment of all physical and mental illnesses or conditions discovered by any screening and diagnostic procedures.

These benefits are not necessarily covered services under the State Group Insurance Program administered by DMS. For example, the vision (eyeglasses) and dental treatments are not typically covered services under the State Group Insurance Program.

III. Effect of Proposed Changes:

SPB 7026 creates s. 110.12303, F.S., to ensure “reasonable access” to “health services” for persons under age 21 covered by HMOs under the state group insurance program.

“Health services” include those services that are both EPSDT benefits in the Medicaid program and covered services under the state group insurance program.

“Reasonable access” requires the health services be initiated within the lesser of the guidelines for national standards for medical or three months of the initial request for the particular health service.

DMS is required to include in its contracts with HMOs participating in the State Group Insurance Program standards for network adequacy, timely referral, and reasonable access to health services. The contracts must also specify the financial consequences that apply when the HMO fails to meet those particular standards.

The contract must contain specific provisions granting members of the State Health Insurance Program the right to submit a complaint or grievance and to request an external review if reasonable access is denied by an HMO.

In terms of these complaints, the contract must require the HMOs to report at least quarterly the number of complaints filed, the types of health services at issue, and the resolution of those complaints. The contract must also specify a fine to be assessed against the HMO in each instance the HMO has failed to provide reasonable access to health services under this bill.

According to DMS, existing state law and national standards relating to the timeframes for certain health services require such services to be provided more quickly than under this bill.⁵ This bill does not supersede the existing laws or national standards. This bill appears to establish contractual performance metrics that may subject the HMOs to financial consequences if not met. In addition, the bill appears to require DMS to guarantee a right to members of the state group insurance program to submit complaints relating to reasonable access to health services and request for external reviews of such denials of reasonable access.

Network adequacy, timely referral and reasonable access would not qualify for an external review. For clarification, the external review process is limited to a denial of a patient's request for payment of a claim and the denial involves a medical judgment including, but not limited to, a decision based on medical necessity, appropriateness, health care setting, level of care or effectiveness of the health care service or treatment requested, or a determination that the treatment is experimental or investigational. It is unclear whether the right to external review under this bill is limited by the federal law or is more expansive based on the terms of the contract.

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.

⁵ 2015 Legislative Bill Analysis for SPB 7026 by the Department of Management Services, dated February 12, 2015, and on file with the Committee on Governmental Oversight and Accountability.

B. Private Sector Impact:

HMOs participating in the state group insurance program may be subject to financial risks and additional administrative burdens.

C. Government Sector Impact:

This bill may have a negative indeterminate fiscal impact to the State Employees' Health Insurance Trust Fund. HMOs may seek to negotiate higher administrative fees or premiums, as applicable, at renewal or as part of a competitive procurement to account for financial risk and administration associated with the provisions of this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 110.12303 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.



496174

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/17/2015	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment

Delete line 22
and insert:
insurance program or an entity which is under contract with the
department to participate in the state group insurance program
to administer health services offered in a geographic region of
the state.



507284

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/17/2015	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment

Delete lines 26 - 27
and insert:
covered under the state group insurance program.

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

585-01514A-15

20157026pb

A bill to be entitled

An act relating to the state group insurance program; creating s. 110.12303, F.S.; defining terms; requiring the Department of Management Services to ensure that a health maintenance organization under contract with the department provides reasonable access to certain services to persons younger than 21 years of age; specifying provisions that must be included in a contract between the department and a health maintenance organization; providing an effective date.

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

Section 1. Section 110.12303, Florida Statutes, is created to read:

110.12303 Reasonable access to health services for persons under age 21.—

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

(a) "Health maintenance organization" or "HMO" means an entity certified under part I of chapter 641 which is under contract with the department to participate in the state group insurance program.

(b) "Health services" means medical services provided to a member which meet early and periodic screening, diagnostic, and treatment requirements under the state Medicaid Plan and are covered under the state group health insurance plan, as defined in s. 110.123.

(c) "Member" means a health plan member, as defined in s. 110.123, who is younger than 21 years of age.

585-01514A-15

20157026pb

(d) "Reasonable access" means health services are initiated within timeframes established as guidelines for national standards of medical care but no later than 3 months after the initial date of the request for health services.

(e) "State group insurance program" has the same meaning as provided in s. 110.123.

(f) "Subscriber" means the enrollee, as defined in s. 110.123, under which a member is eligible to participate in the state group insurance program.

(2) In addition to the requirements in s. 110.123, the department must ensure that a health maintenance organization provides a member with reasonable access to health services.

(3) A contract between the department and an HMO must:

(a) Include standards, relating to health services, for network adequacy, timely referral, and reasonable access.

(b) Specify the financial consequences that the department must apply if the HMO fails to meet the standards established for network adequacy, timely referral, and reasonable access.

(c) Require the HMO to allow, if reasonable access is denied, a member or subscriber to:

1. Submit a complaint or grievance pursuant to the procedures established in s. 641.511; and

2. Request an external review, including an expedited external review, pursuant to the procedure provided in s. 1001 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148.

(d) Require the HMO to report to the department at least quarterly. The report must include the following:

1. The number of complaints or grievances initiated in the

585-01514A-15

20157026pb

59 past quarter regarding reasonable access to health services.

60 2. The types of health services that were the subjects of
61 the complaints and grievances.

62 3. The resolution of such complaints and grievances.

63 (e) Specify a fine to be assessed against an HMO, in
64 addition to any fine imposed under paragraph (b), in each
65 instance that the HMO has failed to provide reasonable access to
66 health services.

67 Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/2015
Meeting Date

7026
Bill Number (if applicable)

Topic INS.

Amendment Barcode (if applicable)

Name GAIL MARIE PERRY

Job Title CHAIR

Address PO BOX 1766

Phone 954/850 4055

POMPANO BECH,
City

FLA
State

33061
Zip

Email WORKINGFOLK@HOTMAIL.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing COMMUNICATIONS WORKERS OF AMERICA COUNCIL OF FLORIDA

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/15

Meeting Date

SPB 7026

Bill Number (if applicable)

Topic State Group Health Coverage - Occupational Therapy

Amendment Barcode (if applicable)

Name Linda C. Shults

Job Title Occupational Therapist

Address 3157 Echo Point Lane

Phone 850-205-9060

Street

Tallahassee

FL

32310

City

State

Zip

Email l.shults@comcast.net

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Occupational Therapy Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/15
Meeting Date

SPB 7024
Bill Number (if applicable)

Topic State Group Health Coverage - Occupational Therapy

Amendment Barcode (if applicable)

Name Larry Gonzalez

Job Title General Counsel

Address 223 S. Gadsden ST.
Street

Phone 850-222-0465

Tallahassee
City

FL
State

32301
Zip

Email lawgonz@earthlink.net

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Occupational Therapy Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

OCCUPATIONAL THERAPY: AN ESSENTIAL HEALTH CARE SERVICE

SUMMARY OF THE ISSUE

After providing coverage for Occupational Therapy for over thirty years, on January 1, 2015 Capital Health Plan (CHP) discontinued this coverage for state employees. Since CHP is the HMO that provides health coverage for most state employees, this decision effectively denies coverage of this essential rehabilitation therapy for thousands of both state employees and their families.

Q. Just what is Occupational Therapy?

A. Despite the confusion surrounding its name, occupational therapy (OT) is not about helping people find jobs. Instead Occupational Therapists are an important part of the rehabilitation team, specializing in treating patients to develop life skills necessary to function at their highest potential, thus, allowing them to live productive lives.

- OT's specialize in--
 - Hand therapy and splinting
 - Neurological rehabilitation
 - Sensory integration therapy
 - Activities of daily living
 - Mental health
 - Assistive technology
 - Stroke rehabilitation
 - Spinal cord and brain injury
 - Low vision therapy
 - Cancer rehabilitation/Lymphedema therapy
 - Work site modification
 - Cognitive rehabilitation
- There are currently over 11,000 occupational therapists licensed and practicing in the state of Florida. OT's work in--
 - Hospitals
 - Rehab centers
 - Schools
 - Mental health facilities
 - Home health agencies
 - Hospice programs
 - Nursing homes
 - Outpatient clinics
 - Community
 - Colleges & Universities
 - VA facilities

Sample Pediatric Health Conditions that lack of Occupational Therapy services will effect:

- **Arthrogryposis:** joint fusion and loss of developmental development
- **Juvenile Rheumatoid Arthritis:** permanent disability
- **Osteogenesis Imperfecta:** increase in hospital stays
- **Amputations:** inability to use prosthetics
- **Duchenne Muscular Dystrophy:** death and scoliosis
- **Down Syndrome:** oral motor deficits, school performance, and job performance
- **Cri du chat:** failure to thrive and cognitive deficits
- **Fragile X Syndrome:** school performance
- **Prader-Willi Syndrome:** obesity and death
- **Spina Bifida:** delayed development

- **Traumatic brain injury** (Motor vehicle accident, shaken baby syndrome or abuse): school and job performance, continued abuse, cognitive deficits
- **Erb's Palsy**: decreased developmental milestone and loss of function of the upper extremity
- **Retts Syndrome**: cognitive delays
- **Burns**: loss of function of extremity, increase risk of infection and possible amputation
- **Cerebral Palsy**: decrease school and job performance, decrease in overall development, cognitive delays, and feeding delays, and contractures
- **Expressive Language Disorder**: inability to express desires, wants, and needs
- **Angelman Syndrome**: inability of functional mobility, increase in developmental delays
- **Genu Varum**: surgery and hospital stays
- **Disturbance of Skin Sensation**: school performance
- **Williams Syndrome**: developmental delay, learning disabilities, and hospital stays
- **Smith-Magenis**: cognitive development and behavioral problems
- **Substance Abuse**: school performance, legal issues, and death
- **Dysphagia**: death from aspiration, feeding deficits, and failure to thrive
- **Marfan Syndrome**: delayed developmental milestones
- **Cornelia De Lange Syndrome**: cognitive deficits and feeding deficits
- **Feeding difficulties**: failure to thrive and increase hospital stays
- **Conduct Disorder**: arrest, mugging, shoplifting, and burglary
- **Oppositional Defiant Disorder**: poor academic functioning, decrease self-esteem, and depression
- **Learning Disorders**: school success
- **Tourette Syndrome**: anger management
- **Anxiety Disorders** (separation anxiety, Generalized anxiety, Phobia and social anxiety, Obsessive- Compulsive Disorder, and Post traumatic stress syndrome): avoidance of situations, homeless, decrease school performance, and decrease social skills
- **Major Depressive disorder**: suicide
- **Bipolar Disorder**: decrease social and school performance and suicide
- **Schizophrenia**: suicide or harm others
- **Eating disorders**: death
- **Substance-abuse**: continued addiction, death, hospital stays, drug rehab programs

Sample Orthopedic Disorders/Injuries that lack of Occupational Therapy will effect:

- **Wounds & Scars**: contractures and loss of hand function
- **Work-related injuries**: inability to perform job duties
- **Arthritis/joint replacements**: stiff, non-functional hand
- **Fractures and dislocation**: inability to grip, lift, pinch
- **Nerve injuries/carpal tunnel syndrome**: painful, sensitive upper extremity, loss of job
- **Rotator cuff injuries**: inability to perform self-care
- **Tendon lacerations and tendonitis**: contractures
- **Patient Education/home programs to continue their recovery**

Sample Adult Neurological Disorders that lack of Occupational Therapy services will effect:

- **Muscular Dystrophy:** scoliosis and loss of independence
- **Multiple Sclerosis:** loss of functional independence
- **Spinal Cord Injuries:** increase in hospital stays due to pressure sores or complications
- **CVA (stroke):** complications from loss of functions with decrease sensation, motor planning, and cognitive deficits
- **TBI (traumatic brain injury):** cognitive deficits; vision deficits; loss of function of limbs and independence

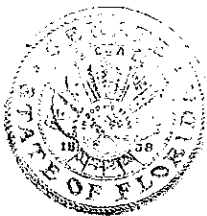
CONCLUSION:

The benefits of Occupational Therapy far outweigh the negative outcomes that will come without this valuable service. Without Occupational Therapy services families are at risk for an increased burden of caring for a loved one who is released from hospital care to go home without the skills necessary to be independent. Without an Occupational Therapist as a team member to help with the rehabilitation process, the cost of longer stays and return stays are inevitable. This could have a long term effect on the working family member, causing decrease in productivity, loss of jobs, increase in unemployment, and an increase in disability claims. This could also increase insurance costs in hospital stays, surgeries, and possible loss of the use of a limb. All of these issues result in loss of function and independence.

PROPOSED SOLUTION:

The **Florida Occupational Therapy Association, Florida Physical Therapy Association and Florida Association of Speech-Language Pathologists & Audiologists** respectfully request that the Legislature direct the Department of Management Services to add Occupational Therapy to the benefit package of the State Group Insurance Plan.

For more information please contact Larry Gonzalez, General Counsel, Florida Occupational Therapy Association at 850-570-6307.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development, *Chair*
Appropriations
Commerce and Tourism
Governmental Oversight and Accountability
Regulated Industries
Rules

SENATOR JACK LATVALA
20th District

January 30, 2015

The Honorable Jeremy Ring
Chair, Senate Governmental
Oversight and Accountability Committee
525 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Ring:

I respectfully request that I be excused from the Senate Governmental Oversight and Accountability Committee meeting on February 17, 2015. I unfortunately have a scheduling conflict and will not be able to attend the meeting.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Jack Latvala". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jack Latvala
Senator, District 20

Cc: Joe McVaney, Staff Director; Allison Rudd, Administrative Assistant

REPLY TO:

- ☐ 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- ☐ 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: SB 401

Case:

Caption: Governmental Oversight and Accountability

Type:

Judge:

Started: 2/17/2015 10:01:16 AM

Ends: 2/17/2015 10:33:43 AM

Length: 00:32:28

10:01:18 AM Meeting to order, roll call
10:01:34 AM Tab 3 - SB 396 Florida Historic Capitol (Senator Detert)
10:01:55 AM 859240
10:02:02 AM 297294
10:02:26 AM Roll Call on CS for SB 396
10:02:52 AM Tab 4 - SB 434 Public Libraries (Senator Detert)
10:03:11 AM Roll Call on SB 434
10:03:37 AM Tab 1 - SB 242 - Publicly Funded Retirement Plans presented by Chris Spencer
10:04:34 AM Amber Hughes, Florida League of Cities
10:06:18 AM Elizabeth Stevens, DMS, Asst. Director, Retirement to respond to question from Sen. Ring
10:08:27 AM Senator Brandes to respond to Chair Ring about mortality tables
10:10:57 AM Continued questions/answers from Sen. Ring to Sen. Brandes
10:12:20 AM Kraig Conn, Florida League of Cities
10:14:41 AM Senator Brandes to close
10:15:27 AM Roll call on SB 242
10:15:55 AM Tab 2 - SB 522 Division of Bond Finance (Senator Brandes)
10:16:16 AM Roll call on SB 522
10:16:41 AM Tab 5 - SB 7004 OGSR/Commission for Independent Education (Sen. Stargel presenting)
10:16:55 AM Roll call on SB 7004
10:17:05 AM Tab 6 - SB 200 Public Records/Email Addresses/Tax Notices (Brenda Johnson presenting)
10:17:24 AM 285152
10:17:47 AM 148956
10:18:23 AM Roll call on CS/SB 200
10:18:39 AM Senator Hays taking over chair
10:19:07 AM Tab 7 - SPB 7024 - State Board of Administration (Senator Ring presenting)
10:20:34 AM Roll call on SPB 7024
10:21:04 AM Tab 8 - SPB 7026 - State Group Insurance Program (Sen. Ring presenting)
10:22:00 AM 496174
10:22:20 AM 507284
10:23:07 AM Larry Gonzaloz, Florida Occupational Therapy Assoc.
10:25:40 AM Linda Shultz, Florida Occupational Therapy Assoc. (Occupational Therapist)
10:29:41 AM Larry Gonzaloz
10:31:24 AM Gail Marie Perry, Communications Workers of America Council of Florida
10:32:51 AM Roll call on SPB 7026
10:32:58 AM Sen. Legg to be shown favorable
10:33:30 AM Sen. Bullard move to rise