

Tab 1	SB 110 by Bean (CO-INTRODUCERS) Gaetz, Hutson; (Identical to H 0043) Churches or Religious Organizations					
116098	A	S	WD	RC, Soto	Delete L.20 - 38:	02/17 07:49 PM
401070	SD	S	UNFAV	RC, Soto	Delete everything after	02/17 07:49 PM
Tab 2	SB 206 by Clemens; (Identical to H 0111) Jury Service					
Tab 3	CS/SB 574 by EE, Flores (CO-INTRODUCERS) Gaetz; (Identical to CS/H 0299) Expressway Authorities					
316608	A	S	WD	RC, Gaetz	Delete L.41 - 71:	02/17 07:49 PM
216312	A	S	RCS	RC, Gaetz	Delete L.48 - 71:	02/17 07:49 PM
Tab 4	SB 878 by Sachs; (Identical to CS/H 0173) Medical Faculty Certification					
Tab 5	CS/SB 1120 by BI, Abruzzo; (Similar to CS/H 0875) Motor Vehicle Service Agreement Companies					
Tab 6	CS/SB 1364 by EP, Hays; (Similar to CS/H 1153) Public Records/Personal Information Obtained in Connection with Licensure					
973116	D	S	FAV	RC, Latvala	Delete everything after	02/17 07:49 PM
305334	AA	S	FAV	RC, Latvala	Delete L.46:	02/17 07:49 PM
Tab 7	SM 1642 by Garcia; (Similar to CS/H 0959) Cuban Adjustment Act of 1966					
Tab 8	CS/SB 754 by CM, Richter; (Similar to H 0643) Public Records/Department of Agriculture and Consumer Services Criminal or Civil Intelligence or Investigative Information					
Tab 9	CS/SB 1288 by MS, Richter; (Similar to H 1169) Emergency Management					
958302	A	S	WD	RC, Richter	btw L.18 - 19:	02/17 07:49 PM
Tab 10	CS/SB 1386 by BI, Richter; (Similar to CS/H 1303) Life Insurers					
363322	A	S	L RCS	RC, Benacquisto	Before L.12:	02/17 07:49 PM
Tab 11	SB 1110 by Simmons; (Similar to CS/H 0825) Central Florida Expressway Authority					
Tab 12	CS/CS/SB 1416 by GO, BI, Simmons; (Similar to CS/CS/H 1165) Public Records/Own-risk and Solvency Assessment/Corporate Governance Annual Disclosure					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Simmons, Chair
Senator Soto, Vice Chair

MEETING DATE: Wednesday, February 17, 2016
TIME: 4:00—6:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Simmons, Chair; Senator Soto, Vice Chair; Senators Benacquisto, Diaz de la Portilla, Gaetz, Galvano, Gibson, Joyner, Latvala, Lee, Montford, Negron, and Richter

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 110 Bean (Identical H 43)	Churches or Religious Organizations; Providing that churches or religious organizations, related organizations, or certain individuals may not be required to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for related purposes if such action would violate a sincerely held religious belief; prohibiting certain legal actions, penalties, or governmental sanctions against such individuals or entities, etc. JU 01/26/2016 Favorable CA 02/09/2016 Favorable RC 02/17/2016 Favorable	Favorable Yeas 7 Nays 3
2	SB 206 Clemens (Identical H 111)	Jury Service; Providing that certain persons permanently incapable of caring for themselves may be permanently excused from jury service upon request; providing requirements for such a request, etc. JU 01/20/2016 Favorable HP 02/09/2016 Favorable RC 02/17/2016 Favorable	Favorable Yeas 11 Nays 0
3	CS/SB 574 Ethics and Elections / Flores (Identical CS/H 299)	Expressway Authorities; Revising qualifications for membership on the governing body of certain expressway authorities; providing for termination from an authority's governing body upon a finding of a violation of specified ethical conduct provisions or failure to comply with a notice of failure to comply with financial disclosure requirements, etc. TR 11/19/2015 Favorable EE 12/01/2015 Fav/CS RC 02/17/2016 Fav/CS	Fav/CS Yeas 9 Nays 1
4	SB 878 Sachs (Identical CS/H 173)	Medical Faculty Certification; Revising the list of schools at which certain faculty members are eligible to receive a medical faculty certificate, etc. HP 01/26/2016 Favorable HE 02/08/2016 Favorable RC 02/17/2016 Favorable	Favorable Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, February 17, 2016, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	CS/SB 1120 Banking and Insurance / Abruzzo (Similar CS/H 875)	Motor Vehicle Service Agreement Companies; Revising and providing definitions, etc. BI 01/26/2016 Fav/CS CM 02/08/2016 Favorable RC 02/17/2016 Favorable	Favorable Yeas 11 Nays 0
6	CS/SB 1364 Environmental Preservation and Conservation / Hays (Similar CS/H 1153)	Public Records/Personal Information Obtained in Connection with Licensure; Defining the terms “commercial entity” and “personal information”; providing an exemption from public records requirements for personal information provided to the Fish and Wildlife Conservation Commission on applications for certain licenses, permits, and certifications; providing circumstances under which personal information may be disclosed; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. EP 01/27/2016 Fav/CS GO 02/09/2016 Favorable RC 02/17/2016 Unfavorable	Unfavorable Yeas 3 Nays 6
7	SM 1642 Garcia (Similar CS/HM 959)	Cuban Adjustment Act of 1966; Urging Congress to review and revise the Cuban Adjustment Act of 1966, etc. JU 02/08/2016 Favorable RC 02/17/2016 Favorable	Favorable Yeas 10 Nays 0
8	CS/SB 754 Commerce and Tourism / Richter (Similar H 643, Compare CS/CS/H 641, Linked CS/CS/S 772)	Public Records/Department of Agriculture and Consumer Services Criminal or Civil Intelligence or Investigative Information; Providing an exemption from public records requirements for criminal or civil intelligence or investigative information or any other information held by the Department of Agriculture and Consumer Services as part of an examination or investigation with another state or federal regulatory, administrative, or criminal justice agency; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CM 01/25/2016 Fav/CS GO 02/09/2016 Favorable RC 02/17/2016 Favorable	Favorable Yeas 10 Nays 0
9	CS/SB 1288 Military and Veterans Affairs, Space, and Domestic Security / Richter (Similar H 1169)	Emergency Management; Defining the term “activate” for purposes of part I of ch. 252, F.S., etc. MS 01/26/2016 Fav/CS CA 02/09/2016 Favorable RC 02/17/2016 Favorable	Favorable Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, February 17, 2016, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	CS/SB 1386 Banking and Insurance / Richter (Similar CS/H 1303)	Life Insurers; Revising amounts of coverage of certain life insurance policies that may be sold by specified persons; revising the version of the Annual Consumer Price Index used as a basis for calculating certain annual percentage increases in specified policies, etc. BI 01/26/2016 Fav/CS CM 02/08/2016 Favorable RC 02/17/2016 Fav/CS	Fav/CS Yeas 10 Nays 0
11	SB 1110 Simmons (Similar CS/H 825, Compare CS/CS/H 7061)	Central Florida Expressway Authority; Requiring the chairs of the boards of specified county commissions each to appoint one member from his or her respective county who is a commission member or chair or the county mayor to serve on the governing body of the authority; specifying that the terms of members appointed by the Governor end on a specified date; specifying that the Central Florida Expressway Authority is a party to a certain lease-purchase agreement between the Department of Transportation and the Orlando-Orange County Expressway Authority, etc. TR 01/27/2016 Favorable ATD 02/11/2016 Favorable RC 02/17/2016 Favorable	Favorable Yeas 10 Nays 0
With subcommittee recommendation - Transportation, Tourism, and Economic Development			
12	CS/CS/SB 1416 Governmental Oversight and Accountability / Banking and Insurance / Simmons (Similar CS/CS/H 1165, Compare CS/H 1163, Linked CS/S 1422)	Public Records/Own-risk and Solvency Assessment/Corporate Governance Annual Disclosure; Providing an exemption from public records requirements for certain reports and documents submitted to the Office of Insurance Regulation related to an own-risk and solvency assessment by an insurer or insurance group; providing an exemption from public records requirements for a corporate governance annual disclosure and supporting documents submitted to the office; providing for and revising future legislative review and repeal; providing a statement of public necessity, etc. BI 01/26/2016 Fav/CS GO 02/09/2016 Fav/CS RC 02/17/2016 Favorable	Favorable Yeas 10 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 Rules

BILL: SB 110

INTRODUCER: Senators Bean and Gaetz

SUBJECT: Churches or Religious Organizations

DATE: February 16, 2016 REVISED: 02/17/16

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Cochran</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	<u>Davis</u>	<u>Phelps</u>	<u>RC</u>	Favorable

I. Summary:

SB 110 provides that clergy, churches and religious organizations, and their employees may not be required to solemnize¹ a marriage or provide certain services or accommodations for a marriage if the action would cause them to violate a sincerely held religious belief. A refusal to solemnize a marriage or provide certain services or accommodations may not become the basis for a civil or criminal cause of action by the state or its political subdivisions. Additionally, the refusal may not become the basis for the state or its subdivisions to penalize or withhold benefits or privileges, including tax exemptions or government contracts, grants, or licenses from the refusing individuals or entities.

II. Present Situation:

Conscience Protection Laws

History

A conscience protection law is an assurance that a person will not be required to participate in an activity that violates his or her religious beliefs, morals, or conscience. Some of the earliest American conscience protection laws were exemptions from military service, commonly referred to as conscientious objector exemptions.² These exemptions have been recognized by the legislative branch of government and enforced by the judicial branch since the Continental Congress announced in 1775 that it would respect the beliefs of people who could not bear arms

¹“Solemnize” is defined in Black’s Law Dictionary to mean to enter into a marriage or contract by a formal act, usually before witnesses. 7th Edition, page 1398.

² James M. Newton, *Constitutional Law – Conscientious Objectors – The End of the Selective Conscientious Objector*, 21 DEPAUL L. REV. 1051, 1052 (1972), available at <http://www.bing.com/search?q=james+m.+newton+constitutional+law+21+de+paul+law+review&src=IE-TopResult&FORM=IETRO2&conversationid> (last visited February 2, 2016).

because of the conflict it presented with their religious principles.³ As American jurisprudence has evolved, so have additional categories of conscience protection laws.

Additional Categories of Conscience Protection Laws

Healthcare

In response to the U.S. Supreme Court (Court) 1973 *Roe v. Wade* decision,⁴ Congress,⁵ the District of Columbia, and 47 state legislatures passed conscience protection laws to assure that health care workers would not be required to participate against their will in performing abortions.⁶ Florida law similarly provides conscience protection clauses for those who refuse to participate in abortions⁷ or refuse to furnish contraceptives, family planning services, supplies, or similar information due to medical or religious reasons. The refusing physician or other personnel may not be held liable for their refusal to participate.⁸

Federal Prosecutions, Executions, and Euthanasia

Federal laws also ensure that employees are not required to participate in the prosecution of capital crimes, executions,⁹ or euthanasia if doing so is contrary to the moral or religious convictions of the employee.¹⁰

Education and Adoption Services

Conscience protection laws have also emerged in the field of education to guarantee that students do not have to participate in academic assignments that violate their religious beliefs.¹¹ In the area of adoption services, several states have enacted varying degrees of conscience protection laws to prevent child placement agencies from being required to place children in situations that would violate their written religious or moral convictions.¹²

The Solemnization of Same-Sex Marriage Ceremonies

Most recently, conscience protection laws have been enacted to protect clergy members from being required to solemnize or perform same-sex marriage ceremonies. These laws have ranged

³ *Id.*

⁴ *Roe v. Wade*, 410 U.S. 113 (1973).

⁵ The Church Amendment, passed by congress in 1973, provides that the receipt of federal monies does not authorize an official to require someone to perform or assist in any sterilization procedure or abortion or make facilities available for those procedures if doing so would be contrary to his or her religious beliefs or moral convictions. 42 U.S.C. s. 300a-7.

⁶ Claire Marshall, *The Spread of Conscience Clause Legislation*, American Bar Association.org, http://www.americanbar.org/publications/human_rights_magazine_home/2013_vol_39/january_2013_no_2_religious_freedom/the_spread_of_conscience_clause_legislation.html (last visited February 2, 2016).

⁷ Section 390.0111(8), F.S.

⁸ Section 381.0051(5), F.S.

⁹ 18 U.S.C. s. 3597.

¹⁰ 42 U.S. C. s. 18113.

¹¹ Mo. Const. Article 1 s. 5. While Missouri amended its constitution to establish this protection, a majority of other states have adopted legislation permitting parents to opt out of an education curriculum that conflicts with their religious beliefs. Marshall, *supra* note 6.

¹² Comm. on Judiciary, The Florida Senate, *CS/HB 7111 (2015) Staff Analysis*, p. 2, (1st Eng. April 17, 2015) (on file with the Senate Committee on Judiciary).

from protection for clergy members and other religious officiants, to protections for not providing accommodations for ceremonies that would violate their convictions, to permitting state officials to opt-out of performing same-sex marriage ceremonies.

State Legislation Authorizing Same-Sex Marriage and Conscience Protection Laws

Before the U.S. Supreme Court ruled on the legality of same-sex marriage in 2015,¹³ 13 jurisdictions had enacted legislation authorizing same-sex marriage. Between 2009 and 2014, same-sex marriage was statutorily recognized in Connecticut, Delaware, Washington, D.C., Hawaii, Illinois, Maryland, Maine, Minnesota, New Hampshire, New York, Rhode Island, Vermont, and Washington.¹⁴

As each of those 13 jurisdictions amended its constitution or statutes to guarantee the rights of same-sex couples to marry, each jurisdiction simultaneously enacted conscience protection laws to provide religious exemptions for clergy members who believed that conducting or solemnizing same-sex marriages violated their religious beliefs.¹⁵ These laws have become known as pastor protection laws. Ten of the states and the District of Columbia crafted specific provisions that exempted religious organizations from being required to provide services, accommodations, or facilities when doing so was contrary to their religious beliefs. Several of the statutes further stated that a refusal to solemnize a same-sex marriage ceremony or provide accommodations did not create a civil cause of action and the refusing person or entity could not be penalized or punished for those choices.

According to information supplied by the National Conference of State Legislatures,¹⁶ a number of states considered legislation in 2015 to provide conscience protection laws in one form or another. Some of the legislation passed, some proposals failed, and occasionally the session adjourned before a vote was taken. Two states, Kansas and Louisiana, enacted pastor protection laws through executive orders. Currently, at least 17 states have legislation pending to amend their marriage solemnization statutes.¹⁷ Several of these proposals would provide clergy or state employees with conscience protection laws for the solemnization of a marriage based upon the officiant's or government employee's religious objections.

2015 Conscience Protection Laws In States Without Same-Sex Marriage Laws

In 2015, at least three states that had not previously enacted same-sex marriage statutes enacted conscience protection laws for religious officials. Oklahoma, Texas, and Utah enacted

¹³ *Obergefell v. Hodges, et al.*, 135 S. Ct. 2584 (2015).

¹⁴ Same-sex marriage was declared constitutional in other states through litigation in the courts, not legislation.

¹⁵ Email from Rochelle Finzel, Group Director, National Conference of State Legislatures, (Oct. 30, 2015) (on file with the Senate Committee on Judiciary).

¹⁶ Email from Rochelle Finzel, Group Director, National Conference of State Legislatures, (Sept. 9, 2015) (on file with the Senate Committee on Judiciary).

¹⁷ Emails from Kyle Ramirez, Research Analyst, National Conference of State Legislatures, (Jan. 22, 2016) (on file with the Senate Committee on Judiciary).

conscience protection laws for religious officials and provided immunity from civil suits or protection from government retaliation.¹⁸

North Carolina¹⁹ passed legislation during this past session to establish procedures under which a magistrate could be recused from performing marriages and an assistant or deputy register of deeds could be recused from issuing marriage licenses based upon a sincerely held religious objection. The bill was vetoed by the governor but the veto was overridden by the legislature.²⁰ In contrast to other legislation, North Carolina conscience protection law does not apply to religious officials but to government employees.

Religious Freedom Protections

Religious Freedom in the U.S. Constitution and State Constitution

The constitutional guarantee of religious freedom is found in two clauses in the First Amendment to the U.S. Constitution.²¹ The First Amendment provides, in part, that:

Congress shall make no law *respecting an establishment of religion*, or prohibiting the *free exercise thereof*; . . .

The first clause, which is referred to as the Establishment Clause, prohibits government from enacting laws that advance religion or prefer one particular religion over another religion.²² The second clause, which is referred to as the Free Exercise Clause, ensures that the government will not burden or interfere with an individual's right to practice his or her religion.²³ The two clauses, acting together, were designed to keep government in a balanced, neutral position so that religion was not advanced or restricted.²⁴

The Florida Constitution similarly establishes an almost identical guarantee. Article I, section 3 provides that:

There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety.....

Legal Tests to Determine Whether a Law Affecting Religion Is Unconstitutional

The U.S. Supreme Court recently recounted the tests it has used over time to determine whether a challenged government action violated the Free Exercise Clause of the First Amendment.²⁵ In

¹⁸ Oklahoma House Bill No. 1007 (2015), Texas Committee Substitute for S.B. 2065 (2015), and Utah S.B. 297 (2015). The Utah bill also provided that a county clerk or a willing designee, be available during business hours to solemnize a marriage.

¹⁹ North Carolina Senate Bill 2 (2015).

²⁰ See North Carolina Ch. SL 2015-75.

²¹ U.S. CONST. amend. I.

²² 16A AM. JUR. 2D CONSTITUTIONAL LAW s. 436 *Establishment of Religion, Generally* (2015).

²³ 16A AM. JUR. 2D CONSTITUTIONAL LAW s. 443, "*Free Exercise*" of Religion, *Generally* (2015).

²⁴ *Id.*

²⁵ *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014). In this decision, the U.S. Supreme Court held that the contraceptive mandate of the Patient Protection and Affordable Care Act of 2010 violated the Religious Freedom Restoration

decisions rendered before 1990, the Court used a balancing test to decide whether a challenged government action imposed a “substantial burden” on someone’s religious practice, and if it did, whether the action in question was necessary to serve a “compelling government interest.”²⁶ Applying that test, the Court held that an employee who was fired because she refused to work on the Sabbath could not be denied her unemployment benefits.²⁷ Similarly, the Court decided that Amish children could not be required to comply with state law requiring them to remain in school until they were 16 years old when their beliefs required them to focus on Amish values during the adolescent years.²⁸

In a 1990 case, however, the Court rejected the higher balancing test it had established earlier and adopted a new standard. The Court lowered the constitutional test and required simply that the governmental action not intentionally infringe upon someone’s religious exercise. The case of *Employment Div., Dept. of Human Resources of Oregon v. Smith*²⁹ involved two members of the Native American Church in Oregon who were fired from their jobs with a private drug rehabilitation organization because they ingested peyote for sacramental purposes at a ceremony at their church. Peyote was a controlled substance and its possession was a felony. Their unemployment compensation applications were rejected because they were discharged for work-related misconduct. The Oregon Supreme Court held that the denial of benefits was a violation of the Free Exercise Clause. The U.S. Supreme Court reversed and observed that the use of the balancing test when someone raised religious objections to the enforcement of a general law “would open the prospect of constitutionally required religious exemptions from civic obligations of almost every conceivable kind.”³⁰

Religious Freedom Restoration Act of 1993

Congress responded to the *Smith* Court’s decision in 1993 by enacting the Religious Freedom Restoration Act (RFRA).³¹ Congress noted in its “Findings” to the act that the Supreme Court “virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion” and that the compelling interest test used in previous federal decisions was a workable test that struck a balance between religious liberty and governmental interests.³² Congress further stated in the act that its purposes are:

- (1) to restore the compelling interest tests set forth in *Sherbert* and *Yoder* and guarantee its application in all cases where free exercise of religion is substantially burdened; and
- (2) provide a claim or defense to persons whose religious exercise is substantially burdened by government.

Act of 1993 as applied to three businesses. The Court determined that requiring the three closely held businesses to provide insurance coverage for certain contraceptives that could be determined to induce abortions, violated their sincere religious beliefs and substantially burdened their free exercise of religion. The RFRA only applies to Federal Government actions, not state or local actions, which may burden someone’s religious exercise.

²⁶ *Id.* at 2760.

²⁷ *Sherbert v. Verner*, 374 U.S. 398 (1963).

²⁸ *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

²⁹ 494 U.S. 872 (1990).

³⁰ *Burwell*, 134 S. Ct. at 2760-61 (quoting *Smith*, 494 U.S., at 888).

³¹ 42 U.S.C. 2000bb et seq.

³² 42 U.S.C. 2000bb(a)(4) and (5).

The Religious Freedom Restoration Act provides that the “Government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability” unless the Federal Government is able to demonstrate that the burden on the person furthers a compelling governmental interest and is the least restrictive means of furthering that compelling government interest.³³ The act was amended in 2000 to cover “any act of religion, whether or not compelled by, or central to, a system of religious belief.”³⁴ The act originally applied to federal, state, and local actions but its application was limited to Federal Government actions in 1997.³⁵ In response to this limitation, the Florida Legislature enacted the “Religious Freedom Restoration Act of 1998.”

Florida’s Religious Freedom Restoration Act of 1998

The Religious Freedom Restoration Act³⁶ provides that the government shall not substantially burden a person’s exercise of religion, even if the burden results from a rule of general applicability, except that government may substantially burden a person’s exercise of religion only if it demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest.³⁷ The Florida Supreme Court has held that a “substantial burden” on the free exercise of religion is a burden that either compels the religious adherent to engage in conduct that his religion forbids or forbids him to engage in conduct that his religion requires.³⁸

Federal Recognition of the Legal Right to Same-Sex Marriage

The U.S. Supreme Court issued the landmark decision, *Obergefell v. Hodges, et al.*,³⁹ on June 26, 2015, which held that couples of the same sex could not be deprived of the constitutional right to marry. Among the issues not addressed in the decision is the question of whether a religious official may be required to perform a same-sex marriage ceremony to which he or she has religious objections.⁴⁰

Before the *Obergefell* decision was rendered, Florida⁴¹ and 39 other states adopted laws defining marriage as exclusively existing between one man and one woman.⁴² As state and federal courts

³³ 42 U.S.C. 200bb-1(a) and (b).

³⁴ 42 U.S.C. 2000cc-5(7)(A). Religious Land Use and Institutionalized Persons Act of 2000.

³⁵ See *City of Boerne v. Flores*, 521 U.S. 507 (1997).

³⁶ Section 761.01-761.05, F.S.

³⁷ Section 761.03, F.S.

³⁸ *Warner v. City of Boca Raton*, 887 So. 2d 1023, 1033 (2004).

³⁹ *Obergefell v. Hodges, et al.*, 135 S. Ct. 2584 (2015).

⁴⁰ Cynthia Brown and Erika K. Lunder, Congressional Research Service, *Recognition of Same-Sex Marriage: Implications for Religious Objections*, (Oct. 23, 2015) available at <https://fas.org/sgp/crs/misc/R44244.pdf>. The issue has also been raised as to whether a church or other religious organization could be denied tax-exempt status if it acted in opposition to same-sex marriage. Additional issues involve the civil rights of same-sex couples, the protections of civil servants who object to participation in same-sex ceremonies, whether providers of public accommodations may be required to accommodate same-sex couples, and protections for religious social service providers in programs receiving federal funds.

⁴¹ Fla. Const. art. I, s. 27.

⁴² Email from Rochelle Finzel, Group Director, National Conference of State Legislatures, (October 19, 2015) (on file with the Senate Committee on Judiciary).

began overturning traditional marriage laws, judicial jurisdictions across the country were split on the legality of same-sex marriage.

At the federal level, the Fourth, Seventh, Ninth, and Tenth U.S. Circuit Court of Appeals held that state prohibitions against same-sex marriage were unconstitutional. The U.S. Court of Appeals for the Sixth Circuit,⁴³ however, disagreed with those conclusions in 2014 and held that there was no constitutional obligation to license same-sex marriages or recognize those marriages performed in other states.⁴⁴ That decision, which created a split of authority among the federal circuit courts, provided an opportunity for the U.S. Supreme Court to grant certiorari, a petition for appellate review, and settle the issue conclusively.

The U.S. Supreme Court granted review of the Sixth Circuit decision and limited the issues on appeal to two questions:

- Are states required by the Fourteenth Amendment to grant marriage licenses to two people of the same sex?
- Are states required by the Fourteenth Amendment to recognize a marriage of two people of the same sex when the marriage is lawfully licensed and performed in a state that grants that right?

The Court issued a 5-4 decision and answered both questions in the affirmative. This decision has raised concerns among religious groups as to whether certain ministers and members of the clergy may be compelled to perform same-sex marriage ceremonies if doing so is a violation of their sincerely held religious beliefs.

The Authority to Solemnize or Perform Marriage Ceremonies in Florida

Under Florida law, marriages may be solemnized by certain members of the clergy, specified state officials, and notaries public. The statute specifically provides that marriages may be solemnized by “regularly ordained ministers of the gospel or elders in communion with some church, or other ordained clergy, and all judicial officers, including retired judicial officers, clerks of the circuit courts, and notaries public of this state” and by certain Quakers.⁴⁵

III. Effect of Proposed Changes:

This bill establishes a conscience protection law for certain religious officials and organizations and provides that they may not be required to solemnize any marriage or provide certain services or items if the action would cause them to violate a sincerely held religious belief. The bill is closely modeled after a Texas law that was passed in 2015.⁴⁶

The bill creates s. 761.061, F.S., which provides that any of the following persons or entities may not be required to solemnize any marriage, or provide services, accommodations, facilities,

⁴³ The Sixth Circuit is comprised of Michigan, Kentucky, Ohio, and Tennessee. Those states all defined marriage as a union of one man and one woman. *Obergefell* at 2593.

⁴⁴ *DeBoer v. Snyder*, 772 F.3d 388 (C.A.6 2014).

⁴⁵ Section 741.07, F.S.

⁴⁶ Committee Substitute for S.B. No. 2065, now codified at TEX Family Code s. 2.601-2.602 (2015).

goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if that action would cause the church, organization, or individual to violate a sincerely held religious belief:

- A church or religious organization;
- An organization supervised or controlled by or in connection with a church or religious organization;
- An individual employed by a church or religious organization while acting in the scope of that employment; or
- A clergy member or minister.

If any of those individuals or entities refuses to solemnize a marriage or provide any of the enumerated items for the solemnization of the marriage, that refusal may not serve as the basis for a civil or criminal cause of action or any other action by the state or a political subdivision of the state to penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses.

The bill takes effect July 1, 2016.

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:

None.

VI. Technical Deficiencies:

It is not abundantly clear from the wording of subsection (2) whether all civil causes of action are precluded against an individual or entity that refuses to participate in the marriage or if the civil cause of action may not be initiated by the state or its political subdivisions.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 761.061 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.



116098

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/17/2016	.	
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The Committee on Rules (Soto) recommended the following:

Senate Amendment (with title amendment)

Delete lines 20 - 38

and insert:

(1) A church or religious organization as described in s. 760.10(9), an individual employed by a church or religious organization within the meaning of s. 760.10(9) while acting within the scope of that employment, a clergy member or minister, or an individual providing a ministerial function may not be required to solemnize any marriage.

(2) A church or religious organization as described in s.



116098

12 760.10(9), an individual employed by a church or religious
13 organization within the meaning of s. 760.10(9) while acting
14 within the scope of that employment, a clergy member or
15 minister, or an individual providing a ministerial function may
16 not be required to provide services, accommodations, facilities,
17 goods, or privileges outside the meaning of s. 760.02(11) for a
18 purpose related to the solemnization, formation, or celebration
19 of any marriage if such an action would cause the church or
20 religious organization, an individual employed by such an
21 organization within the scope of that employment, a clergy
22 member or minister acting within the scope of services or
23 activities provided by such an organization, or an individual
24 providing a ministerial function within the scope of services or
25 activities provided such an organization to violate a sincerely
26 held religious belief of the entity or individual.

27 (3) The terms "services," "accommodations," "facilities,"
28 "goods," or "privileges" as described in subsection (2) may not
29 be interpreted to mean solemnization of marriage. The provisions
30 in subsection (2) do not abridge the rights regarding the
31 solemnization of marriage as provided in subsection (1).

32 (4) A refusal to solemnize any marriage or provide
33 services, accommodations, facilities, goods, or privileges under
34 subsection (1) or subsection (2) may not serve as the basis for
35 a civil or criminal cause of action or any other action by this
36 state or a political subdivision of this state to penalize or
37 withhold benefits or privileges, including tax exemptions or
38 governmental contracts, grants, or licenses, from any entity or
39 individual protected under subsection (1) or subsection (2).

40



116098

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

42 And the title is amended as follows:

43 Delete line 9

44 and insert:

45 violate a sincerely held religious belief; providing
46 that certain terms do not include solemnization of
47 marriage; prohibiting certain rights from being
48 abridged; prohibiting



401070

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/17/2016	.	
	.	
	.	
	.	

The Committee on Rules (Soto) recommended the following:

1 **Senate Substitute for Amendment (116098) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 761.061, Florida Statutes, is created to
7 read:

8 761.061 Rights of certain churches or religious
9 organizations or individuals.—

10 (1) For the purposes of this section, the term "religious
11 organization" means any religious corporation, association,



401070

12 educational institution, or society that limits opportunities in
13 the area of employment or public accommodation to members of
14 that religious corporation, association, educational
15 institution, or society, or to persons who subscribe to its
16 tenets or beliefs.

17 (2) A church or religious organization, an individual
18 employed by a church or religious organization while acting
19 within the scope of that employment, a clergy member or
20 minister, or an individual providing a ministerial function may
21 not be required to solemnize any marriage.

22 (3) A church or religious organization, an individual
23 employed by a church or religious organization while acting
24 within the scope of that employment, a clergy member or
25 minister, or an individual providing a ministerial function may
26 not be required to provide services, accommodations, facilities,
27 goods, or privileges outside the meaning of s. 760.02(11) for a
28 purpose related to the solemnization, formation, or celebration
29 of any marriage if such an action would cause the church or
30 religious organization, an individual employed by such an
31 organization within the scope of that employment, a clergy
32 member or minister acting within the scope of services or
33 activities provided by such an organization, or an individual
34 providing a ministerial function within the scope of services or
35 activities provided by such an organization to violate a
36 sincerely held religious belief of the entity or individual.

37 (4) The terms "services," "accommodations," "facilities,"
38 "goods," or "privileges" as described in subsection (3) may not
39 be interpreted to mean solemnization of marriage.

40 (5) A refusal to solemnize any marriage or provide



401070

41 services, accommodations, facilities, goods, or privileges under
42 subsection (2) or subsection (3) may not serve as the basis for
43 a civil cause of action by a private person or entity or a civil
44 or criminal cause of action or any other action by this state or
45 a political subdivision of this state to penalize or withhold
46 benefits or privileges, including tax exemptions or governmental
47 contracts, grants, or licenses, from any entity or individual
48 protected under subsection (2) or subsection (3).

49 Section 2. This act shall take effect July 1, 2016.

50
51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53 Delete everything before the enacting clause
54 and insert:

55 A bill to be entitled
56 An act relating to churches or religious
57 organizations; creating s. 761.061, F.S.; defining the
58 term "religious organization"; providing that churches
59 or religious organizations, related organizations, or
60 certain individuals may not be required to solemnize
61 any marriage or provide services, accommodations,
62 facilities, goods, or privileges for related purposes
63 if such action would violate a sincerely held
64 religious belief; providing that certain terms do not
65 include solemnization of marriage; prohibiting certain
66 legal actions, penalties, or governmental sanctions
67 against such individuals or entities; providing an
68 effective date.

By Senator Bean

4-00072-16

2016110__

1 A bill to be entitled
 2 An act relating to churches or religious
 3 organizations; creating s. 761.061, F.S.; providing
 4 that churches or religious organizations, related
 5 organizations, or certain individuals may not be
 6 required to solemnize any marriage or provide
 7 services, accommodations, facilities, goods, or
 8 privileges for related purposes if such action would
 9 violate a sincerely held religious belief; prohibiting
 10 certain legal actions, penalties, or governmental
 11 sanctions against such individuals or entities;
 12 providing an effective date.

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

16 Section 1. Section 761.061, Florida Statutes, is created to
 17 read:

18 761.061 Rights of certain churches or religious
 19 organizations or individuals.-

20 (1) A church or religious organization, an organization
 21 supervised or controlled by or in connection with a church or
 22 religious organization, an individual employed by a church or
 23 religious organization while acting in the scope of that
 24 employment, or a clergy member or minister may not be required
 25 to solemnize any marriage or provide services, accommodations,
 26 facilities, goods, or privileges for a purpose related to the
 27 solemnization, formation, or celebration of any marriage if such
 28 an action would cause the church, organization, or individual to
 29 violate a sincerely held religious belief of the entity or

Page 1 of 2

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

4-00072-16

2016110__

30 individual.
 31 (2) A refusal to solemnize any marriage or provide
 32 services, accommodations, facilities, goods, or privileges under
 33 subsection (1) may not serve as the basis for a civil or
 34 criminal cause of action or any other action by this state or a
 35 political subdivision of this state to penalize or withhold
 36 benefits or privileges, including tax exemptions or governmental
 37 contracts, grants, or licenses, from any entity or individual
 38 protected under subsection (1).

39 Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 9, 2016

I respectfully request that **Senate Bill # 110**, relating to Churches and Religious Organizations, be placed on the:

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

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

Senator Aaron Bean
Florida Senate, District 4

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/16
Meeting Date

110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Hannah Willock

Job Title _____

Address 630 Hillcrest St Apt 10

Phone 407 451 8460

Orlando FL 32803
City State Zip

Email hannah@egfi.org

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/16
Meeting Date

Bill Number (if applicable)

Topic SB110

Amendment Barcode (if applicable)

Name John Vestigan

Job Title Conference minister

Address 9380 University Blvd
Street

Phone 407 835 7501

Orlando FL 32817
City State Zip

Email jvestigan@ucfca.org

Speaking: For Against Information

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

Representing United Church of Christ in Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-17-16
Meeting Date

SB110
Bill Number (if applicable)

Topic Pastor's Protection Act

Amendment Barcode (if applicable)

Name Herb Shelton

Job Title

Address 2115 Longview Dr.
Street
Tallahassee, FL 32303
City State Zip

Phone

Email herbre_323@yahoo.com

Speaking: For Against Information

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

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

Feb. 17. 2016

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

SB 110

Meeting Date

Bill Number (if applicable)

Topic Pastor's Protection ACT

Amendment Barcode (if applicable)

Name Wendy Gallegos

Job Title Pastor

Address 5200 SE 145th ST

Phone 352. 245-2560

Street

Summerfield FL 34491

Email FamilyGivers@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Open Door Community Church

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-17-2016
Meeting Date

SB 110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name GERALD BUSTIN

Job Title PASTOR

Address 5200 SE 145th St.

Phone 352-347-3284

Street

SUMMERFIELD FL 34491

City

State

Zip

Email gtbii@prodigy.net

Speaking: For Against Information

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

Representing Open Door Community Church

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/17/2016

Meeting Date

SB 110

Bill Number (if applicable)

Topic 7 PPA. PASTORS PROTECTION ACT

Amendment Barcode (if applicable)

Name Ms. Sybel W. Lee

Job Title CYC Member (Retired Educator)

Address 602 N.W. 100th St.

Phone 305 607-8843

Miami FL

Street

City

State

Zip

Email swlee150@bellSouth.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/2016
Meeting Date

SB110
Bill Number (if applicable)

Topic PASTORS PROTECTION ACT

Amendment Barcode (if applicable)

Name Rev. James L. Pasley

Job Title Pastor

Address 17300 NW 43 ROAD
Street

Phone 305 626 0200

MIAMI GARDEN FL 33053
City State Zip

Email James - pasley - ce bell south way

Speaking: For Against Information

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

Representing MYSELF () GRACE CHURCH OF THE NAZARENE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-17-16

Meeting Date

SB 110

Bill Number (if applicable)

Topic FPPA

Amendment Barcode (if applicable)

Name Pastor Gerald Graham

Job Title CFC

Address 20267 Nw 38th Pl

Phone 786-859-1635

Street

Miami

FL

State

33055

Zip

Email ggraham00133@gmail.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

SB 110
Bill Number (if applicable)

Topic Pastor Protection Act

Amendment Barcode (if applicable)

Name Rodriguez, Gilberto

Job Title Pastor

Address 21021 STATE ROAD

Phone 813-701-8903

Street WAZ, FL 33550

Email angelias@gmail.

City State Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

09/17/16

Meeting Date

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

SB 110

Bill Number (if applicable)

Topic SB 110

Amendment Barcode (if applicable)

Name Edward M. Renda

Job Title Pastor

Address 811 Cave Mill way

Phone 727 945-9230

Street

City

Lake Park FL 34489

State

Zip

Email

Speaking: [] For [] Against [] Information

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

Representing First Baptist Church of God

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

Lobbyist registered with Legislature: [] Yes [] No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-17-16

Meeting Date

SB 110

Bill Number (if applicable)

Topic SB 110

Amendment Barcode (if applicable)

Name Rosalin Malave-Marrero

Job Title Pastor's wife

Address 811 Cavemill way

Street

Phone 727-945-9230

Tarpon Springs, FL 34689

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Iglesia de Dios International

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

9-17-16
Meeting Date

SB 110
Bill Number (if applicable)

Topic SB 110

Amendment Barcode (if applicable)

Name Isaac Calle

Job Title PASTOR

Address 205 W Hammill Ave
Street

Phone 813 494 5316

Tampa FL 33612
City State Zip

Email pastor@isaacalle.com

Speaking: For Against Information

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

Representing LA VERDA church

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17

Meeting Date

SB 110

Bill Number (if applicable)

Topic Pastors Protection Act

Amendment Barcode (if applicable)

Name Natasha Oquendo

Job Title _____

Address 318 Cardiff Court
Street

Phone (850) 586-6494

Panama City Florida 32404
City State Zip

Email natasha.oquendonetwork@gmail.com

Speaking: For Against Information

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

Representing myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-17-16
Meeting Date

SB110
Bill Number (if applicable)

Topic Pastor Protection

Amendment Barcode (if applicable)

Name Chris Walker

Job Title Pastor

Address 195 Blackstone Creek

Phone _____

Street Grandland FL 34736

Email _____

City State Zip

Speaking: For Against Information

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

Representing South Lake Pastors Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17

Meeting Date

SB 110

Bill Number (if applicable)

Topic PASTORS PROTECTION ACT

Amendment Barcode (if applicable)

Name NATHANIEL J. WILCOX

Job Title

Address 3111 N.W. 135 ST

Phone (786) 488-2979

Street

MIAMI, FLORIDA

33054

Email nwilcox2@aol.com

City

State

Zip

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

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

Representing MYSELF

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

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB

SB0110

SB0110

Meeting Date

Bill Number (if applicable)

Topic Pastor Protection

Amendment Barcode (if applicable)

Name Ruth Villamizar

Job Title Pastor - President Pastors Assoc. Broward

Address 5790 A Fox Hollow Dr

Phone 954 657 1410

Street

Boca Raton FL 33486

Email Pastor@DiosViviente.com

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

SB110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Lissette Vazquez

Job Title _____

Address 2922 SW 16 Street

Phone _____

Street
Miami
City

FL
State

33145
Zip

Email _____

Speaking: For Against Information

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

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16

Meeting Date

SB 110

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Ali Kurnaz

Job Title Communications Director

Address 1513 River Reach Dr. Apt. 241

Phone 407-923-7424

Street Orlando FL 32828

Email _____

City State Zip

Speaking: For Against Information

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

Representing Florida Young Democrats

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Feb. 17

SB110

Meeting Date

Bill Number (if applicable)

Topic Pastor Protection Act

Amendment Barcode (if applicable)

Name Steven Carrion

Job Title _____

Address 3601 Daydream Place

Phone 407-968-5506

Street

St. Cloud

FL

34772

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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

110

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Laura Abdelaziz

Job Title Florida Young Democrats Regional Director

Address 11811 Northtrail Ave

Phone _____

Street

Tampa

City

FL

State

33617

Zip

Email _____

Speaking: For Against Information

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

Representing Florida Young Democrats

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17

Meeting Date

110

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Kelly Quintero

Job Title Florida Young Democrats Vice President

Address 5414 E. Michigan St # 8

Phone _____

Street

Orlando FL 32812

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Florida Young Democrats

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/2016
Meeting Date

SB 110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable) _____

Name Norma Aquino

Job Title _____

Address 347 NW 31st
Street
Miami FL 33127
City State Zip

Phone _____

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/16

Meeting Date

SB110

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Gabriel Garcia-Vera

Job Title FL Field Coordinator

Address 8330 Biscayne Blvd

Phone _____

Street

Miami FL 33138

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Nat. Latina Inst. Repro. Health

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

02-17-2016

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

Meeting Date

SB 110

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Maria P. Medina

Job Title _____

Address 2034 SW 3rd #2

Phone 786 5433668

Street

Miami

City

FL

State

3129

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16

Meeting Date

SB110

Bill Number (if applicable)

Topic Abuse

Amendment Barcode (if applicable)

Name Laura Hernandez

Job Title _____

Address 8430 NW 8th #301B

Phone _____

Street

Miami

FL

33144

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/16
Meeting Date

SB110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Juanita Alvarez

Job Title Activist's Volunteer

Address 905 SW 1st #508

Phone 786 970 2457

miami, FL 33130

City State Zip

Email juanitaalvarez318@gmail.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/16
Meeting Date

SB 110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Haydee Gomez

Job Title _____

Address 11450 NW 19 Ave
Street

Phone 305 244 2823

Florida 33167
City State Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16

Meeting Date

SB110

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Mr. Juan Cabezas

Job Title

Address

9740 SW 16th Ct

Phone

786-704-3832

Street

City

Pembroke Pines, FL

State

Zip

33025

Email

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

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

Representing

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

SB110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Evelyn Pugh Richard

Job Title _____

Address 9740 SW 16th CT

Phone 786-2520914

Street Pembroke Pines, FL 33025
City State Zip

Email pughelb@yahoo.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/16
Meeting Date

SB110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Emiliani Alarcón

Job Title Professor

Address Po Box 310907
Street

Phone _____

City _____ State _____ Zip 33181

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/16
Meeting Date

SB 110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Caroline Cuevas

Job Title _____

Address 680 Sw 75th
Street
Miami FL 33130
City State Zip

Phone _____

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16

Meeting Date

110

Bill Number (if applicable)

Topic Churches & Religious Freedom

Amendment Barcode (if applicable)

Name Andrew Bell

Job Title Orange County Young Democrats President

Address 631 Great Blue Ct

Phone 407 456 1120

Street

Orlando FL 32825

City

State

Zip

Email andrewmbell110@gmail.com

Speaking: [] For [] Against [] Information

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

Representing Florida Young Dems

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

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

SB110
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Cherilyn Bean

Job Title _____

Address 2777 SW Archer road
Street

Phone _____

Gainesville FL 32608
City State Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16

Meeting Date

110

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JILL BOWEN

Job Title STUDENT

Address 3406 W SAN JUAN ST

Phone 941-830-2920

Street

TAMPA

City

FL

State

33629

Zip

Email jillm.bowen@gmail.com

Speaking: For Against Information

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

Representing FLORIDA YOUNG DEMOCRATS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-17-16

Meeting Date

110

Bill Number (if applicable)

Topic Religious Freedom
~~Competitive Bids~~

Amendment Barcode (if applicable)

Name Kristellys Zolondek

Job Title Community Engagement Spec

Address 220 Riverside Ave #211

Phone 954-804-9000

Jacksonville FL 32202

City

State

Zip

Email krotellys@gmail.com

Speaking: For Against Information

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

Representing Florida Young Democrats

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

110
Bill Number (if applicable)

Topic Churches + Religious Freedom

Amendment Barcode (if applicable)

Name Richard Nettina

Job Title Printer

Address 4519 Taylor St
Street

Phone (954) 953-9964

Hollywood FL 33021
City State Zip

Email rnettina@gmail.com

Speaking: For Against Information

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

Representing Florida Young Democrats

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/2016

Meeting Date

SB0110

Bill Number (if applicable)

Topic Pastor Protection

Amendment Barcode (if applicable)

Name Donny Cooper

Job Title Consultant

Address 14650 Naranya Lakes Blvd Apt B4K

Phone

Street

Homestead FL

33032

City

State

Zip

Email

Speaking: For Against Information

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

Representing Florida Young Democrats

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

Feb-17-2016

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

SB 110

Meeting Date

Bill Number (if applicable)

Topic Pastor Protection Act

Amendment Barcode (if applicable)

Name ANGEL DIAZ

Job Title Pastor

Address 7840 SUNFLOWER DR.

Phone 954-240-8837

Street

Margate

FL

33063

Email

City

State

Zip

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

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

Representing

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

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/14

Meeting Date

SB 110

Bill Number (if applicable)

Topic Pastor Protection Act

Amendment Barcode (if applicable)

Name Jorge Giusti

Job Title Pastor

Address 633 N Crescent Dr

Phone 305-331-2898

Street

Hollywood FL 33021

City

State

Zip

Email jorgegiusti@att.net

Speaking: For Against Information

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

Representing myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/16
Meeting Date

SB-110
Bill Number (if applicable)

Topic Pastor Protection Act

Amendment Barcode (if applicable)

Name Anthony Verdugo

Job Title _____

Address 6850 SW 24th St.

Phone _____

Street

Miami Florida 33155

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/19/16

Meeting Date

SB 110

Bill Number (if applicable)

Topic PASTORS PROTECTION ACT

Amendment Barcode (if applicable)

Name GABRIEL OSORIO

Job Title PASTOR

Address 9645 NW 1st Ct Apt 101

Street

Phone _____

Peabroke Pines FL 33024

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing My SELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-17-16

Meeting Date

SB 110

Bill Number (if applicable)

Topic PASTORS PROTECTION ACT

Amendment Barcode (if applicable)

Name EDWIN G. LUNA

Job Title PASTOR

Address 10738 NW 10TH ST

Phone 954-268-4276

Street

PENBROKE PINES FL 33026

City

State

Zip

Email edwin.luna@pman.ca

Speaking: [] For [] Against [] Information

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

Representing My Self

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16

Meeting Date

SB110

Bill Number (if applicable)

Topic Pastors Protection Act

Amendment Barcode (if applicable)

Name Josefina Michel

Job Title Christian Leader

Address 182 Oakridge L

Phone (954) 673-7176

Deerfield Beach, FL 33442

Email jmichel@hotmail.com

Speaking: [] For [] Against [] Information

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

Representing Myself

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16

Meeting Date

SB-0110

Bill Number (if applicable)

Topic Pastor Protection Act

Amendment Barcode (if applicable)

Name Edgar Santana

Job Title Pastor

Address 6120 NE 7 AVE

Phone 954-934-3354

Street

Fort Lauderdale, FL 33334

City

State

Zip

Email edgarsantana7@ya
hoo.com

Speaking: For Against Information

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

Representing My Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-17-16

Meeting Date

SB 110

Bill Number (if applicable)

Topic Mandatory Blessing w/o right

Amendment Barcode (if applicable)

Name Deborah Maurer

Job Title _____

Address 29246 Beauclaire Dr

Phone 352-742-1987

Street

Tavares FL 32778

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/2016
Meeting Date

SB-110
Bill Number (if applicable)

Topic Rest for Protection

Amendment Barcode (if applicable)

Name Armando V. Poma

Job Title Consultant

Address 7710 Abbott Ave
Street

Phone 786-285-4090

Miami Beach, FL 33141
City State Zip

Email armandovpoma@julbo.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

110

Meeting Date _____

Bill Number (if applicable) _____

Topic Religious Org.

Amendment Barcode (if applicable) _____

Name Tracey Hines

Job Title PO Box 13584

Address Tallahassee FL 32317

Phone 305-610-9993

Street

Email Traceyhines@yahoo.com

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

110
Bill Number (if applicable)

Meeting Date

Amendment Barcode (if applicable)

Topic _____

Name Traye Hines

Job Title _____

Address PO Box 13584

Phone 305-610-9993

Street

Tallahassee FL 32317

Email trayehines@

City State Zip

Speaking: For Against Information

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

1/4/14 hcb/cm

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

110
Bill Number (if applicable)

Topic PASTOR PROTECTION

Amendment Barcode (if applicable)

Name CARLOS GUILVERMO SMITH

Job Title GOVERNMENT AFFAIRS MANAGER

Address 2237 STONINGTON AVE
Street

Phone 404-934-4944

ORLANDO FL 32817
City State Zip

Email

Speaking: For Against Information

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

Representing EQUALITY FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16

Meeting Date

110

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Churches

Name Greg Kvaab

Job Title

Address 9166 Sunrise Dr

Phone

Street

Largo

Fla

State

Zip

Email

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

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

Representing Pinellas County Florida Government Corruption

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

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-17-2016
Meeting Date

SB 110
Bill Number (if applicable)

401070
Amendment Barcode (if applicable)

Topic Amendments to SB 110

Name GERALD BUSTIN

Job Title PASTOR

Address 5200 SE 145th St

Summerfield, FL 34491
City State Zip

Phone 352-397-3284

Email gtbii@prodigy.net

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Feb-17-2016

Meeting Date

SB 110

Bill Number (if applicable)

401070

Amendment Barcode (if applicable)

Topic Pastors Protection ACT

Name Wendy Gallegos

Job Title Pastor Wendy Gallegos

Address 5200 SE 145th ST

Street

Phone 352-245-2560

Summerfield FL 34491

City

State

Zip

Email Family.G.Givers@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against

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

Representing Open Door Community Church

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

110
Bill Number (if applicable)

SOTO 401070
Amendment Barcode (if applicable)

Topic PASTOR PROTECTION

Name CARLOS GUILLERMO SMITH

Job Title GOVERNMENT AFFAIRS MANAGER

Address 2237 STONINGTON AVE Phone 404.934.4944

Street

ORLANDO

FL

32817

City

State

Zip

Email

Speaking: For Against Information

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

Representing EQUALITY FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Bill Number (if applicable) _____

401070

Topic Pastors Protection Act

Amendment Barcode (if applicable) _____

Name Gerald Graham

Job Title C

Address 20167 Nw 38th Pl

Phone 786-859-1635

Street

Miami

FL

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16

Meeting Date

Bill Number (if applicable)

40070

Amendment Barcode (if applicable)

Topic 401070

Name Rodriguez, Gilberto

Job Title Pastor

Address 21021 STATE Road 54

Street

Phone 813-701-8903

City Lutz, FL State Zip 33558

Email templeelias@gmail

Speaking: For Against Information

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

Representing Temple ELIJAH, LUTZ Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

02/17/2016

Meeting Date

Bill Number (if applicable)

401070

Topic PASTORS PROTECTION AMENDMENT

Amendment Barcode (if applicable)

(AMENDMENT)

Name Mrs. Sybil W. Deeg

Job Title Cyc Member (Retired Educator)

Address 602 NW 100 St

Phone

Street

MIAMI

FL

33100

Zip

Email SWLDEEG@bellsouth.net

City

State

Speaking: For Against Information

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

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/2016
Meeting Date

SB 170
Bill Number (if applicable)

Topic PASTOR PROTECTION AMENDMENT

(401070)
Amendment Barcode (if applicable)
AMENDMENT

Name JAMES L PASLEY Rev.

Job Title PASTOR

Address 17300 NW 43 ROAD

Phone 305-626-0280

MIAMI GARDEN FL 33055
City State Zip

Email James.Pasley@both501.com

Speaking: For Against Information

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

Representing MY SELF GRACE CHURCH ^{OF} NAZARETH

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

09/17/16

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

Meeting Date

Bill Number (if applicable)

401 070

Topic 401 070

Amendment Barcode (if applicable)

Name Edwin Marrero

Job Title Pastor

Address 811 Cave Mill Way

Phone 727-945-9230

Street

TARPON SPRING FL 34689

Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against

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

Representing Ina'l Church of God

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-17-16
Meeting Date

401070
Bill Number (if applicable)
401070
Amendment Barcode (if applicable)

Topic 401070

Name Rosalin Malave-Marrero

Job Title Pastor's wife

Address 811 Cavemill way
Street

Phone 727-945-9230

Tarpon Springs, Florida 34689
City State Zip

Email _____

Speaking: For Against Information

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

Representing Iglesia de Dios Internacional

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-17-16
Meeting Date

Bill Number (if applicable)

401070

Amendment Barcode (if applicable)

Topic 401070

Name Isaac Calle

Job Title PASTOR

Address 205 W Hammett Ave
Street

Phone 813 494-5316

Tampa FL 33612
City State Zip

Email PASTOR.ISAACALLE@OOL

Speaking: For Against Information

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

Representing LA VERDAD Church

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17

Meeting Date

Bill Number (if applicable)

401070

Amendment Barcode (if applicable)

Topic (Amendment) Pastor Protection Act

Name Natasha Oquendo

Job Title _____

Address 318 Cardiff Court

Street

Phone (850) 586-6494

Panama City Florida 32404

City

State

Zip

Email natashaquendonetwork@
gmail.com

Speaking: For Against Information

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

Representing myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-17-16
Meeting Date

43

Bill Number (if applicable)

401070

Amendment Barcode (if applicable)

Topic Pastor Protection Amendment

Name PASTOR Chris Walker

Job Title _____

Address 195 Blackstone Creek
Street

Phone _____

Groveland FL 34736
City State Zip

Email _____

Speaking: For Against Information

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

Representing South Lake Pastors Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/16
Meeting Date

Bill Number (if applicable)
401070
Amendment Barcode (if applicable)

Topic (AMENDMENT) PASTORS PROTECTION ACT

Name NATHANIEL J. WILCOX

Job Title _____

Address 3111 N.W. 135 ST Phone _____
Street

MIAMI FL. 33054 Email _____
City State Zip

Speaking: For Against Information

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

Representing MYSELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic _____

Name Ruth Villamizar

Job Title Postors Assoc Board

Address 5790 A Hollow Dr

Street Boca Raton State FL Zip 33486

Phone 954 657 1410

Email Rsvr@Postors.com

Bill Number (if applicable) 401070

Amendment Barcode (if applicable) _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/2016
Meeting Date

SB-110
Bill Number (if applicable)

401070
Amendment Barcode (if applicable)

Topic Pastor Protection

Name ARMANDO V. POMAR

Job Title Consultant

Address 7710 Abbott Ave.
Street

Phone 786-285-4090

City Miami Beach, FL 33141
City State Zip

Email armandovpomar@yahoo.com

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

2/12/16

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

SB 110

Bill Number (if applicable)

401070

Amendment Barcode (if applicable)

Meeting Date

Topic (Amendment) Pastor Prot. Act

Name Jorge Giusti

Job Title Pastor

Address 633 N Crescent Dr

Phone 305-331-2898

Street

Hollywood FL 33021

City

State

Zip

Email jorgegiusti@att.net

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Feb - 17 - 2016

Meeting Date

SB 110

Bill Number (if applicable)

401070

Amendment Barcode (if applicable)

Topic AMENDMENT Pastor Protection Act

Name Angel Diaz

Job Title Pastor

Address 7840 SUNFLOWER DR.

Phone 954-240-8837

Margate FL 33063

Email

Speaking: For Against Information

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

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16

Meeting Date

110
~~401070~~

Bill Number (if applicable)

401070

Amendment Barcode (if applicable)

Topic Peddy Protection Act

Name Anthony Verdugo

Job Title _____

Address 6850 SW 24 St. Phone _____

Street

Miami

City

Florida

State

33155

Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/16

Meeting Date

SB 110

Bill Number (if applicable)

4001070

Amendment Barcode (if applicable)

Topic _____

Name Edgar Santana

Job Title Pastor

Address 6120 NE 7 AVE-

Phone 954-934-3359

Fort Lauderdale, FL 33334

City State Zip

Email edgarsantana@yahoo.com

Speaking: For Against Information

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

Representing My self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

SB 110
Bill Number (if applicable)

401070
Amendment Barcode (if applicable)

Topic (AMENDMENT) Pastors Protection Act.

Name Joseyina Michel

Job Title Christian Leader

Address 182 Oakridge Ln

Phone (954) 673-7176

Deerfield Beach FL 33442
City State Zip

Email jomichel@hotmail.com

Speaking: For Against Information

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

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-17-16

Meeting Date

SB 110

Bill Number (if applicable)

4001070

Amendment Barcode (if applicable)

Topic AMENDMENT - PASTORS PROTECTION ACT

Name EDWIN B. LUNA

Job Title PASTOR

Address 10738 NW 10TH STR.

Street

PONBROKE

City

FL.

State

33026.

Zip

Phone 954-268-4276

Email edwing.luna@gmail.com

Speaking: For Against Information

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

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

2/17/16

Meeting Date

SB 110

~~4001090~~

Bill Number (if applicable)

4001090

Amendment Barcode (if applicable)

Topic (AMENDMENT) PASTORS PROTECTION ACT

Name Gabriel Osorio

Job Title Pastor

Address 9645 NW 1st Ct Apt 101

Phone 954 295 8058

Street

Peehwoke Pines FL

33024

Email gabosorios3@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/15

Meeting Date

SB110

Bill Number (if applicable)

401070

Amendment Barcode (if applicable)

Topic Senate substitute amendment - religious freedom

Name Jason King

Job Title Legislative Affairs Mgr.

Address 700 SE 3rd Ave

Street

Phone 954-610-3064

Ft. Lauderdale

FL

33306

City

State

Zip

Email jason.king@

aidshealth.org

Speaking: For Against Information

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

Representing AIDS Healthcare Foundation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 206

INTRODUCER: Senator Clemens

SUBJECT: Jury Service

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McAloon</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Stovall</u>	<u>Stovall</u>	<u>HP</u>	Favorable
3.	<u>McAloon</u>	<u>Phelps</u>	<u>RC</u>	Favorable

I. Summary:

SB 206 authorizes a person to be permanently excused from jury service upon written request due to mental illness, intellectual disability, senility, or other physical or mental incapacity. The person's request must be accompanied by a written statement from a doctor verifying the disability. The clerk of the court may approve or deny the request for permanent excuse from jury service.

II. Present Situation:

Background on Jury Selection

To be selected for a jury pool in Florida, a person must be chosen at random from a list of names provided quarterly to the clerk of court by the Department of Highway Safety and Motor Vehicles.¹ All persons on the jury list are required to be United States citizens and legal residents of Florida. Additionally, all persons must be at least 18 years of age and have a driver's license or identification card issued by the Department of Motor Vehicles.²

The Florida Statutes set out two processes for developing a group of persons who may be summoned to court. First, the clerk, under the supervision of a judge, may randomly select from a list of people necessary for a given session.³ Alternatively, the court may request authority of the Florida Supreme Court to operate a special selection process using a mechanical, electronic, or electrical device.⁴ The court has procedures in place to ensure that once a potential juror is selected, he or she is given proper notice of the summons to ensure compliance, or the person

¹ Section 40.011, F.S. The Clerk of the Court may also add to the list the name of any person who is 18 years of age or older, a U.S. citizen, and a legal resident of the state who requests to be added upon execution of an affidavit.

² Section 40.01, F.S.

³ Section 40.221, F.S.

⁴ Section 40.225, F.S.

may face penalties imposed by the court.⁵ Once the potential jurors are summoned, they may be placed into the jury pool from which the jury in any given case will be chosen.⁶

Persons Disqualified or Excused from Jury Service

There are two opportunities for a person who has been summoned for jury service to be excused. First, when a person receives a summons for jury service, he or she may provide an excuse from a list of acceptable statutory excuses for why he or she cannot serve. The person will send this notification to the clerk's office. Second, a potential juror may also raise one of the statutory excuses once the person has reported for jury service. Section 40.013, F.S., specifies persons who are disqualified from jury service, persons whom a judge may excuse from jury service, and persons who must be excused from jury service upon request.

Persons who are disqualified from jury service include:

- A person who is under prosecution for a crime, or a felon, unless the person's civil rights have been restored.⁷
- The Governor and Lieutenant Governor, Cabinet officers, clerks of court, and judges.⁸
- Full-time federal, state, or local law enforcement officers and investigative personnel of law enforcement agencies.⁹
- A person interested in any issue to be tried in a case on which the person would serve as a juror.¹⁰
- A person who would be serving as a juror within 1 year of the last day of previous jury service.¹¹
- Any person who does not possess sufficient knowledge of reading, writing or arithmetic to understand a civil case, if the civil case requires such knowledge.¹²

Persons who may be excused include:

- A practicing attorney, a practicing physician, or a person who is physically infirm.¹³
- Any person upon showing of hardship, extreme inconvenience, or public necessity.¹⁴

Persons who must be excused upon request include:

- An expectant mother or parent who is not employed full time and who has custody of a child under 6 years of age.¹⁵
- A person 70 years of age or older.¹⁶

⁵ Section 40.23, F.S.

⁶ Section 40.231, F.S.

⁷ Section 40.013(1), F.S.

⁸ Section 40.013(2)(a), F.S.

⁹ Section 40.013(2)(b), F.S.

¹⁰ Section 40.013(3), F.S.

¹¹ Section 40.013(7), F.S.

¹² Fla. R. Civ. P. 1.431(c)(3).

¹³ Section 40.013(5), F.S.

¹⁴ Section 40.013(6), F.S.

¹⁵ Section 40.013(4), F.S.

¹⁶ Section 40.013(8), F.S.

- A person who is responsible for the care of a person who, because of mental illness, intellectual disability, senility, or other physical or mental incapacity, is incapable of caring for himself or herself.¹⁷

Persons Permanently Excused from Jury Service

Currently, only individuals 70 years of age or older can request to be permanently excused.¹⁸ The request must be in writing.¹⁹ Individuals who are permanently excused can also request to be added back into the jury pool as long as they are otherwise qualified.²⁰

Persons Excused for Care of Disabled Individual

The Florida Statutes provide a mandatory exemption from jury service, upon request, for any person who is responsible for the care of a person who is mentally ill, intellectually disabled, senile, or has other physical or mental incapacity, and is incapable of caring for himself or herself.²¹ An individual who cares for a person with a listed condition must be excused from jury service upon request.²² However, the statute currently does not contain an exemption from jury service for the person who is permanently incapable for caring for himself or herself.

Florida Rules of Civil Procedure

The Florida Rules of Civil Procedure require that a juror be excused in a civil trial if the individual does not possess sufficient knowledge of reading, writing or arithmetic to understand the case, if the case requires such knowledge.²³ However, the rule only applies to civil cases and only arises through a challenge for cause.

III. Effect of Proposed Changes:

SB 206 creates a permanent exemption from jury duty upon request for a person who is permanently incapable for caring for himself or herself. The permanent incapacity must be due to “mental illness, intellectual disability, senility, or other physical or mental incapacity.” The request must include a letter from a physician verifying the permanent incapacity. The clerk, in his or her discretion, may decide to issue the permanent exemption from jury service.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁷ Section 40.013(9), F.S.

¹⁸ Section 40.013(8), F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Section 40.013(9), F.S.

²² *Id.*

²³ Fla. R. Civ. P. 1.431(c)(3).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The language of the bill provides that a person *may* be permanently excused upon request. This gives the clerk the discretion in making the ultimate decision. In comparison, existing s. 40.013(8), F.S., provides that an individual 70 years of age or older *shall* be permanently excused upon request.

VIII. Statutes Affected:

This bill substantially amends section 40.013 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 Clemens

27-00366-16

2016206__

1 A bill to be entitled
2 An act relating to jury service; amending s. 40.013,
3 F.S.; providing that certain persons permanently
4 incapable of caring for themselves may be permanently
5 excused from jury service upon request; providing
6 requirements for such a request; providing an
7 effective date.
8

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

10
11 Section 1. Present subsection (9) of section 40.013,
12 Florida Statutes, is redesignated as subsection (10), and a new
13 subsection (9) is added to that section, to read:

14 40.013 Persons disqualified or excused from jury service.-
15 (9) Any person who, because of mental illness, intellectual
16 disability, senility, or other physical or mental incapacity, is
17 permanently incapable of caring for himself or herself may be
18 permanently excused from jury service upon request if the
19 request is accompanied by a written statement to that effect
20 from a physician licensed pursuant to chapter 458 or chapter
21 459.

22 Section 2. This act shall take effect July 1, 2016.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

✓

COMMITTEES:
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development, *Vice Chair*
Banking and Insurance
Criminal Justice
Education Pre-K-12
Ethics and Elections
Fiscal Policy

SENATOR JEFF CLEMENS
27th District

February 9, 2016

Senator David Simmons, Chair
Senate Committee on Rules
402 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Simmons:

I respectfully request that SB 206 – Jury Service be added to the agenda for the next Senate Committee on Rules meeting.

SB 206 will allow permanently disabled citizens to be permanently excused from jury service upon request with a written statement from a medical doctor.

Please feel free to contact me with any questions. Thank you, in advance, for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff Clemens".

Senator Jeff Clemens
Florida Senate District 27

REPLY TO:

508 Lake Avenue, Unit C, Lake Worth, Florida 33460 (561) 540-1140 FAX: (561) 540-1143
 226 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5027

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 574

INTRODUCER: Rules Committee; Ethics and Elections Committee; and Senators Flores and Gaetz

SUBJECT: Expressway Authorities

DATE: February 18, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Favorable
2.	Carlton	Roberts	EE	Fav/CS
3.	Price	Phelps	RC	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 574 reduces the Miami-Dade County Expressway Authority (MDX) governing body from thirteen to nine members, prohibits appointment of a person to serve as an MDX governing body member under certain circumstances, and provides for immediate termination from the MDX governing body for specified violations.

II. Present Situation:

The Miami-Dade County Expressway Authority

The Florida Expressway Authority Act (Act), codified in part I of ch. 348, F.S.,¹ authorizes any county or two or more contiguous counties within a single district of the Florida Department of Transportation (FDOT) to form an expressway authority by resolution adopted by the board of county commissioners. The Miami-Dade County Expressway Authority (MDX), an agency of the state,² is the only expressway authority created under the Act.

The qualifications, terms of office, and obligations and rights of the members of the MDX, by statute, are determined by resolution or ordinance of the Miami-Dade County Commission

¹ Part I of ch. 348, F.S., consists of ss. 348.0001 through 348.0012, F.S. Per the exemptions in s. 348.0012, F.S., Part I applies only to the Miami-Dade County Expressway Authority.

² Section 348.0003(1), F.S.

consistent with specified statutory provisions relating to the MDX governing body.³ The MDX was created by the Miami-Dade County Commission in 1994, pursuant to Chapter 2, Article XVIII of the Miami-Dade County Code of Ordinances.⁴

The MDX's system consists of the following roadways in Miami-Dade County:

- Airport Expressway (State Road 112);
- Dolphin Expressway (State Road 836);
- Don Shula Expressway (State Road 874);
- Snapper Creek Expressway (State Road 878); and
- Gratigny Parkway (State Road 924).⁵

The MDX Governing Body

Section 348.0003(2)(d), F.S., provides the MDX governing body consists of up to 13 members, seven of whom are appointed by the County Commission and five of whom are appointed by the Governor. The 13th member is the FDOT's district six secretary, who is an ex-officio voting member. If the MDX governing body includes any member originally appointed by the County Commission as a nonvoting member, that member is replaced by a Governor's appointee when the nonvoting member's term expires, until the MDX governing body is composed of seven members appointed by the County Commission and five members appointed by the Governor.⁶

Members of the MDX governing body must comply with the applicable financial disclosure requirements of Article II, Section 8 of the State Constitution.⁷ A lobbyist may not serve as a member.⁸

Post-Employment Restrictions, Ethical Prohibitions, and Financial Disclosures

A member and the MDX executive director are prohibited from:

- Personally representing another person or entity for compensation before the MDX for two years after leaving his or her position;⁹
- Having an employment or contractual relationship, after retirement or termination, with a business entity other than an agency¹⁰ in connection with a contract in which the member or executive director personally and substantially participated while he or she was a member or employee;¹¹ and

³ Section 348.0003(2)(d), F.S.

⁴ A copy of the ordinance is available at <http://mdxway.com/about/history> (Last visited Nov. 4, 2015).

⁵ See the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal Year 2014 Report*, at p.2, <http://www.ftc.state.fl.us/reports/TAMO.shtm>. (last visited Nov. 4, 2015).

⁶ Section 348.0003(2)(d), F.S.

⁷ Section 348.0003(4)(c), F.S.

⁸ Section 348.0003(5)(a), F.S.

⁹ Section 348.0003(5)(b)1., F.S. *See also* s. 112.313(9)(a)3.a., F.S.

¹⁰ Defined to mean "any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; any public school, community college, or state university; or any special district as defined in s. 189.012."

Section 112.312(2), F.S.

¹¹ Section 348.0003(5)(b)2., F.S.

- Engaging in any relationship that may adversely affect their judgment in carrying out authority business.¹²

The MDX members must make the following annual disclosures:

- Any relationship that affords a current or future financial benefit to a member, or a member's relative¹³ or business associate, that a reasonable person would conclude has the potential to create a prohibited conflict of interest.¹⁴
- Whether a relative of the member is a registered lobbyist and the names of any such lobbyist's clients.¹⁵
- All interests in real property that a member or a member's immediate family has, if such property is located in or within a ½-mile radius of any actual or prospective authority roadway project.¹⁶

Violations and Penalties

These restrictions, prohibitions, and financial disclosure requirements are in addition to requirements that members and the executive director are required to follow under ch. 112, F.S.¹⁷ Violations of the prohibitions and financial disclosure requirements are punishable as provided in s. 112.317, F.S. Potential penalties include public censure and reprimand, suspension or dismissal from employment, a \$10,000 civil penalty, loss of some portion of salary, impeachment or removal from office, and restitution of any benefits received because of a violation.

III. Effect of Proposed Changes:

Section 1 reduces the MDX governing body from thirteen to nine members, providing that five members be appointed by the Miami-Dade County Commission, three members will be appointed by the Governor, and retaining the FDOT district six secretary as an ex-officio voting member. A member serving as of July 1, 2016, is authorized to serve the remainder of his or her term. However, upon conclusion of the term or upon a vacancy, the expired term or vacancy may not be filled except as specified. When a term expires or upon a vacancy, a member may not be replaced by the appointing entity until the MDX governing body is composed of five voting members appointed by the Miami-Dade County Commission and three members appointed by the Governor. The Governor's three appointees do not include the FDOT district six secretary. Assuming no re-appointments before July 1, 2016, no current member would have to be removed or replaced.

The bill makes an exception from the requirement that qualifications, terms, obligations and rights of the MDX members be determined by resolution or ordinance of the Miami-Dade County Commission and prohibits a person from being appointed to or serve as a member of the

¹² Section 348.0003(5)(d), F.S.

¹³ See s. 112.312(21), F.S., for the broad definition of "relative."

¹⁴ Section 348.0003(5)(d)1., F.S.

¹⁵ Section 348.0003(5)(d)2., F.S.

¹⁶ Section 348.0003(5)(d)3., F.S.

¹⁷ Section 348.0003(5)(j), F.S.

governing body of the MDX if the person currently represents or represented in the previous four years:

- Any client for compensation before the authority; or
- Any person or entity that is doing business or has in the previous four years done business with the authority.

The exception obviates the need for the Miami-Dade County Commission to amend its ordinance to include the prohibitions.

In addition to existing penalties under s. 112.317, F.S., the bill also requires immediate termination of a member from the MDX governing body upon a finding of a violation of s. 348.0003(5), F.S., ch. 112, F.S., or for failure to comply within 90 days after receiving a notice of failure to comply with financial disclosure requirements.

Section 2 provides the bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that any of the penalties for specified violations are applied to any individual, that individual may experience a negative fiscal impact.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 348.0003 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/CS by Rules on February 17, 2016:

The Committee Substitute provides that a member currently serving on the MDX governing body may serve the remainder of his or her term. It reduces the membership of the MDX governing body through attrition; *i.e.*, an expired member's position or a member position that becomes vacant may not be replaced until the governing body consists of five members appointed by the Miami-Dade County Commission and three members appointed by the Governor. The effective date of the bill is also changed to July 1, 2016.

CS by Ethics and Elections on December 1, 2015:

The Committee Substitute differs from the original bill in that it prohibits a person from serving on the authority if he or she currently represents or has represented clients *before the authority* in the past four years. The Committee Substitute also differs from the original bill in that it only prohibits someone from serving on the authority if he or she represents someone who is currently doing business with or has done business *with the authority* in the past four years.

B. Amendments:

None.



316608

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/17/2016	.	
	.	
	.	
	.	

The Committee on Rules (Gaetz) recommended the following:

Senate Amendment

Delete lines 41 - 71
and insert:
member of the authority. ~~If the governing board of an authority
includes any member originally appointed by the governing body
of the county as a nonvoting member, when the term of such
member expires, that member shall be replaced by a member
appointed by the Governor until the governing body of the
authority is composed of seven members appointed by the
governing body of the county and five members appointed by the~~



316608

12 ~~Governor.~~ Except as provided in subsection (5), the
13 qualifications, terms of office, and obligations and rights of
14 members of the authority shall be determined by resolution or
15 ordinance of the governing body of the county in a manner that
16 is consistent with subsections (3) and (4).

17 (5) In a county as defined in s. 125.011(1):

18 (a)1. A lobbyist, as defined in s. 112.3215, may not be
19 appointed or serve as a member of the governing body of an
20 authority.

21 2. A person may not be appointed to or serve as a member of
22 the governing body of an authority if that person currently
23 represents or has in the previous 4 years represented any client
24 for compensation before the authority.

25 3. A person may not be appointed to or serve as a member of
26 the governing body of an authority if that person currently
27 represents or has in the previous 4 years represented any person
28 or entity that is doing business, or in the previous 4 years has
29 done business, with the authority.

30 (1) A finding of a violation of this subsection or chapter
31 112, or failure to comply within 90 days after receiving a
32 notice of failure to comply with financial disclosure
33 requirements, results in immediate termination from the
34 governing body of the authority.

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



216312

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2016	.	
	.	
	.	
	.	

The Committee on Rules (Gaetz) recommended the following:

Senate Amendment

Delete lines 48 - 71
and insert:
the Governor. A member of the authority serving as of July 1, 2016, may serve the remainder of his or her term. However, upon the conclusion of the term or upon vacancy, such expired term or vacancy may not be filled except where such appointment meets the requirements of this section. When the term of a member expires or a vacancy occurs, the member shall not be replaced by the appointing entity until the governing body of the authority



216312

12 is composed of five voting members appointed by the governing
13 body of the county and three voting members appoint by the
14 Governor, which three members shall not include the district
15 secretary serving as an ex officio member. Except as provided in
16 subsection (5), the qualifications, terms of office, and
17 obligations and rights of members of the authority shall be
18 determined by resolution or ordinance of the governing body of
19 the county in a manner that is consistent with subsections (3)
20 and (4).

21 (5) In a county as defined in s. 125.011(1):

22 (a)1. A lobbyist, as defined in s. 112.3215, may not be
23 appointed or serve as a member of the governing body of an
24 authority.

25 2. A person may not be appointed to or serve as a member of
26 the governing body of an authority if that person currently
27 represents or has in the previous 4 years represented any client
28 for compensation before the authority.

29 3. A person may not be appointed to or serve as a member of
30 the governing body of an authority if that person currently
31 represents or has in the previous 4 years represented any person
32 or entity that is doing business, or in the previous 4 years has
33 done business, with the authority.

34 (1) A finding of a violation of this subsection or chapter
35 112, or failure to comply within 90 days after receiving a
36 notice of failure to comply with financial disclosure
37 requirements, results in immediate termination from the
38 governing body of the authority.

39 Section 2. This act shall take effect July 1, 2016.

By the Committee on Ethics and Elections; and Senators Flores
and Gaetz

582-01773-16

2016574c1

1 A bill to be entitled
2 An act relating to expressway authorities; amending s.
3 348.0003, F.S.; revising qualifications for membership
4 on the governing body of certain expressway
5 authorities; providing for termination from an
6 authority's governing body upon a finding of a
7 violation of specified ethical conduct provisions or
8 failure to comply with a notice of failure to comply
9 with financial disclosure requirements; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (d) of subsection (2) and paragraph
15 (a) of subsection (5) of section 348.0003, Florida Statutes, are
16 amended, and paragraph (1) is added to subsection (5) of that
17 section, to read:

18 348.0003 Expressway authority; formation; membership.—

19 (2) The governing body of an authority shall consist of not
20 fewer than five nor more than nine voting members. The district
21 secretary of the affected department district shall serve as a
22 nonvoting member of the governing body of each authority located
23 within the district. Each member of the governing body must at
24 all times during his or her term of office be a permanent
25 resident of the county which he or she is appointed to
26 represent.

27 (d) Notwithstanding any provision to the contrary in this
28 subsection, in any county as defined in s. 125.011(1), the
29 governing body of an authority shall consist of up to nine ~~13~~

Page 1 of 3

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

582-01773-16

2016574c1

30 members, and the following provisions of this paragraph shall
31 apply specifically to such authority. Except for the district
32 secretary of the department, the members must be residents of
33 the county. ~~Five Seven~~ voting members shall be appointed by the
34 governing body of the county. At the discretion of the governing
35 body of the county, up to two of the members appointed by the
36 governing body of the county may be elected officials residing
37 in the county. ~~Three Five~~ voting members of the authority shall
38 be appointed by the Governor. One member shall be the district
39 secretary of the department serving in the district that
40 contains such county. This member shall be an ex officio voting
41 member of the authority. If the governing ~~body~~ board of an
42 authority includes any member originally appointed by the
43 governing body of the county as a nonvoting member, when the
44 term of such member expires, that member shall be replaced by a
45 member appointed by the Governor until the governing body of the
46 authority is composed of five ~~seven~~ members appointed by the
47 governing body of the county and three ~~five~~ members appointed by
48 the Governor. Except as provided in subsection (5), the
49 qualifications, terms of office, and obligations and rights of
50 members of the authority shall be determined by resolution or
51 ordinance of the governing body of the county in a manner that
52 is consistent with subsections (3) and (4).

53 (5) In a county as defined in s. 125.011(1):

54 (a) 1. A lobbyist, as defined in s. 112.3215, may not be
55 appointed or serve as a member of the governing body of an
56 authority.

57 2. A person may not be appointed to or serve as a member of
58 the governing body of an authority if that person currently

Page 2 of 3

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

582-01773-16

2016574c1

59 represents or has in the previous 4 years represented any client
60 for compensation before the authority.

61 3. A person may not be appointed to or serve as a member of
62 the governing body of an authority if that person currently
63 represents or has in the previous 4 years represented any person
64 or entity that is doing business, or in the previous 4 years has
65 done business, with the authority.

66 (1) A finding of a violation of this subsection or chapter
67 112, or failure to comply within 90 days after receiving a
68 notice of failure to comply with financial disclosure
69 requirements, results in immediate termination from the
70 governing body of the authority.

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



The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 14, 2016

I respectfully request that **Senate Bill # 574**, relating to Expressway Authorities, be placed on the:

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

Anitere Flores

Senator Anitere Flores
Florida Senate, District 37

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/14

Meeting Date

574

Bill Number (if applicable)

Topic Highways

Amendment Barcode (if applicable)

Name Greg Pound

Job Title

Address 9166 Sunrise Dr.

Phone

Street

Largo

Fla

33773

Email

City

State

Zip

Speaking: For Against Information

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

Representing Pinellas County Florida Government Corruption

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Fiscal Policy, *Chair*
Appropriations
Appropriations Subcommittee on Criminal and
Civil Justice
Ethics and Elections
Finance and Tax
Health Policy
Regulated Industries

SENATOR ANITERE FLORES
37th District

February 17, 2016

The Honorable David Simmons
Chair of the Committee on Rules
402 Senate Office Building
404 South Monroe Building
Tallahassee, FL 32399-1100

Dear Chair Simmons:

Unfortunately, I will not be able to present SB 574 before you today. I humbly request that in my absence, my legislative aide, Will McRea present the bill.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Anitere Flores".

Anitere Flores

CC: John Phelps, Staff Director, Committee on Rules, 402 Senate Office Building

REPLY TO:

- 10691 North Kendall Drive, Suite 309, Miami, Florida 33176 (305) 270-6550
- 413 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5037

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 878

INTRODUCER: Senator Sachs

SUBJECT: Medical Faculty Certification

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Favorable
2.	Graf	Klebacha	HE	Favorable
3.	Rossitto-Van Winkle	Phelps	RC	Favorable

I. Summary:

SB 878 authorizes medical faculty certificates to be issued to qualified full-time faculty appointed to teach at the Florida Atlantic University, consistent with current law for the other accredited medical schools in Florida. Additionally, the bill revises the name of the Mayo Medical School at the Mayo Clinic in Jacksonville, Florida to the Mayo Clinic College of Medicine in Jacksonville, Florida.

The bill takes effect July 1, 2016.

II. Present Situation:

Section 458.3145, F.S., allows the Department of Health (DOH) to issue medical faculty certificates to qualified physicians licensed in another jurisdiction, who have accepted a full time faculty position at an accredited Florida medical school, to practice medicine in that school's affiliated clinical facilities or teaching hospitals, without sitting for, and passing, a licensure examination.

Applicants seeking a medical faculty certificate must meet all of the following requirements:

- Have graduated from an accredited medical school listed with the World Health Organization;
- Hold a current, valid license to practice medicine in another jurisdiction;
- Have completed an approved residency or fellowship of at least 1 year or received training which has been determined by the Board to be equivalent to the 1 year requirement;
- Have been offered and accepted a full-time faculty appointment to teach in a program of medicine at:
 - University of Florida;

- University of Miami;
- University of South Florida;
- Florida State University;
- Florida International University;
- University of Central Florida; and
- Mayo Medical School at the Mayo Clinic in Jacksonville, Florida.

Florida Atlantic University is not included in that list. Legislation authorizing Florida Atlantic University's medical education program was signed into law by the Governor May 15, 2010.¹

The medical faculty certificate is valid until the earlier of termination of the physician's relationship with the medical school or after a period of 24 months. The certificate is renewable and may be extended for 2 years if the physician provides a certification from the dean of the medical school that the physician is a distinguished medical scholar and an outstanding practicing physician. The maximum number of extended Medical faculty certificate holders is limited to 30 persons per each medical school, with the exception of the Mayo Clinic, which is limited to 10 certificate holders.²

As of the date of this analysis, there are 42 clear and active physicians who hold Medical faculty certificates.³ Medical faculty at the listed medical schools may also hold unrestricted medical licenses issued through licensure by examination or licensure by endorsement according to the requirements in ss. 458.311 and 458.313, F.S., respectively. Holding an unrestricted medical license through either one of those avenues would not require a physician on the faculty to obtain a medical faculty certificate.

III. Effect of Proposed Changes:

SB 878 expands the current medical faculty certificate eligibility criteria by allowing a medical faculty certificate to be issued to an individual who has been offered and who has accepted a full-time faculty appointment to teach in a program of medicine at the Florida Atlantic University.

The bill also limits the number of extended medical faculty certificate holders at the Florida Atlantic University to 30 persons, which is consistent with the current limitations on all but one other institution (i.e., The Mayo Medical School at the Mayo Clinic in Jacksonville, Florida)⁴ eligible for such certificates. The Mayo Medical School is one of five schools within the Mayo Clinic College of Medicine which includes the Mayo Medical School, Mayo Graduate School, Mayo School of Graduate Medical Education, Mayo School of Health Sciences, and Mayo School of Continuous Professional Development.⁵ Therefore, the bill allows a physician hired to

¹ See ch. 2010-88, s.1, Laws of Fla. (effective July 1, 2010), and FAU – *Mission and History – The Charles Schmidt College of Medicine*, (September 4, 2015) available at http://med.fau.edu/home/mission_history.php (last visited Jan. 21, 2016).

² Section 458.3145, F.S.

³ Florida Dep't of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan Fiscal Year 2014-2015*, p. 11, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1415.pdf>, (last visited Jan. 20, 2016).

⁴ Section 458.3145(4), F.S.

⁵ Mayo Clinic College of Medicine, *About*, available at <http://www.mayo.edu/education/about> (last visited on Jan. 21, 2016).

teach in any one of the five schools under the Mayo Clinic College of Medicine to be eligible for a medical faculty certificate.

Additionally, the bill changes the name of the Mayo Medical School at the Mayo Clinic in Jacksonville, Florida, in s. 458.3145, F.S., to the Mayo Clinic College of Medicine in Jacksonville, Florida.

The bill takes effect July 1, 2016.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 458.145 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Sachs

34-00586A-16

2016878__

A bill to be entitled

An act relating to medical faculty certification; amending s. 458.3145, F.S.; revising the list of schools at which certain faculty members are eligible to receive a medical faculty certificate; providing an effective date.

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

Section 1. Paragraph (i) of subsection (1) and subsection (4) of section 458.3145, Florida Statutes, are amended to read: 458.3145 Medical faculty certificate.—

(1) A medical faculty certificate may be issued without examination to an individual who:

(a) Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;

(b) Holds a valid, current license to practice medicine in another jurisdiction;

(c) Has completed the application form and remitted a nonrefundable application fee not to exceed \$500;

(d) Has completed an approved residency or fellowship of at least 1 year or has received training which has been determined by the board to be equivalent to the 1-year residency requirement;

(e) Is at least 21 years of age;

(f) Is of good moral character;

(g) Has not committed any act in this or any other jurisdiction which would constitute the basis for disciplining a

Page 1 of 2

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

34-00586A-16

2016878__

physician under s. 458.331;

(h) For any applicant who has graduated from medical school after October 1, 1992, has completed, before entering medical school, the equivalent of 2 academic years of preprofessional, postsecondary education, as determined by rule of the board, which must include, at a minimum, courses in such fields as anatomy, biology, and chemistry; and

(i) Has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at:

1. The University of Florida;7

2. The University of Miami;7

3. The University of South Florida;7

4. The Florida State University;7

5. The Florida International University;7

6. The University of Central Florida;~~7-08~~

7. The ~~Mayo Medical School at the Mayo Clinic~~ College of Medicine in Jacksonville, Florida; or

8. The Florida Atlantic University.

(4) In any year, the maximum number of extended medical faculty certificateholders as provided in subsection (2) may not exceed 30 persons at each institution named in subparagraphs (1)(i)1.-6. and 8. and at the facility named in s. 1004.43 and may not exceed 10 persons at the institution named in subparagraph (1)(i)7.

Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

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

THE FLORIDA SENATE
APPEARANCE RECORD

2-17-16
Meeting Date

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

58 878
Bill Number (if applicable)

Topic MEDICAL FACULTY CERTIFICATES

Amendment Barcode (if applicable)

Name Layne Smith

Job Title Director, State Government Relations

Address 4500 San Pablo Road
Street

Phone 904-953-7334

Jacksonville Florida 32224
City State Zip

Email smith.layne@mayo.edu

Speaking: For Against Information

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

Representing Mayo Clinic College of Medicine

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)

2/17/16
Meeting Date

SB 878
Bill Number (if applicable)

Topic Medical Faculty Certificates

Amendment Barcode (if applicable)

Name Ryan Britton

Job Title Ex. Dir. of Gov. Relations

Address 777 Glades Rd. ADM 247

Phone 561.297.2583

Street

Boca Raton

FL

33431

Email ~~rbritton@fla.gov~~ rbritton2@fla.gov

City

State

Zip

Speaking: For Against Information

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

Representing Florida Atlantic University

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 Rules

BILL: CS/SB 1120

INTRODUCER: Banking and Insurance Committee and Senator Abruzzo

SUBJECT: Motor Vehicle Service Agreement Companies

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Matiyow	Knudson	BI	Fav/CS
2.	Harmsen	McKay	CM	Favorable
3.	Matiyow	Phelps	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1120 allows the following two new motor vehicle service agreement warranties:

- Replacement of tires or wheels on a motor vehicle that were damaged as a result of encountering a road hazard; and
- Replacement of a motor vehicle key or key fob.

The bill also amends current statute to clarify that motor vehicle service agreement warranties for paintless dent-removal cover damages caused by any harm, not just hail damage.

The bill further clarifies that an “additive product” does not include a product applied to the exterior or interior surface of a motor vehicle to protect the appearance of the motor vehicle.

The provisions of this bill take effect on July 1, 2016.

II. Present Situation:

Warranty Associations

Warranty associations, which include motor vehicle service agreement companies,¹ home

¹ Section 634.011, F.S.

warranty associations,² and service warranty associations,³ are governed under ch. 634 of the Florida Insurance Code. Service warranties, also known as “extended warranties,” are contracts between a company and consumer that are designed to protect the consumer from certain losses due to failure or improper functioning of a mechanical or other component of the warranted object, e.g., car, air conditioner, or large appliance.⁴ Service warranties are not considered traditional insurance products.⁵ Therefore, warranty associations are not required to submit their rates for approval by the Office of Insurance Regulation (OIR) like traditional insurance companies.⁶

Service warranty associations are generally regulated by the OIR, but are exempt from all other provisions of the Florida Insurance Code unless otherwise specified.⁷ The OIR’s regulatory authority includes, among other duties, the licensure of warranty associations,⁸ disapproval of noncompliant service agreement forms,⁹ annual review of a warranty association’s statistical reports,¹⁰ investigation of consumer complaints made against a warranty association,¹¹ and observation of a warranty association’s compliance with monetary reserve requirements.¹²

Motor Vehicle Service Agreements

Motor vehicle service agreements indemnify the service agreement holder (owner) of the motor vehicle listed on the service agreement from losses caused by the failure or improper function of any mechanical or other component part arising out of the ownership, operation, and use of the motor vehicle.¹³ The three specific types of motor vehicle service agreements included under the definition of a motor vehicle service agreement are:

- Agreements that provide for coverage issued in conjunction with an additive product¹⁴ that is applied to the motor vehicle;¹⁵
- Agreements that provide for payment of vehicle protection expenses, contingent upon the use of a vehicle protection product (product or system designed to prevent theft, or assist in recovery of the motor vehicle);¹⁶ and

² Section 634.301, F.S.

³ Section 634.401, F.S.

⁴ Florida Department of Financial Services, *Motor Vehicle Service Agreements Overview*, available at <http://www.myfloridacfo.com/Division/Consumers/UnderstandingCoverage/MotorVehicleServiceAgreementsOverview.htm> (last accessed Feb. 5, 2016).

⁵ Section 634.023, F.S. Kenneth E. Spahn, *Service Warranty Associations: Regulating Service Contracts as “Insurance” Under Florida’s Chapter 634*, 25 Stetson Law Rev. 597, 614-615, available at <http://www.stetson.edu/law/lawreview/media/service-warranty-associations-regulating-service-contracts-as-insurance-under-floridas-chapter-634-25-3.pdf> (last accessed Feb. 5, 2016).

⁶ Section 634.121(11), F.S.

⁷ Sections 634.023, 634.3025, and 634.4025, F.S.

⁸ Sections 634.041 and 634.061-634.081, F.S.

⁹ Section 634.1213, F.S.

¹⁰ Section 634.137, F.S.

¹¹ Section 634.141(2)(c), F.S.

¹² Section 634.141(2)(d), F.S.

¹³ Section 634.011(8), F.S.

¹⁴ Section 634.011(2), F.S., defines an “additive product” as “any fuel supplement, oil supplement, or any other supplement product added to a motor vehicle for the purpose of increasing or enhancing the performance or improving the longevity of such motor vehicle.”

¹⁵ Section 634.011(8)(a), F.S.

¹⁶ Section 634.011(8)(b), F.S.

- Agreements that indemnify the consumer for paintless dent-removal services by companies whose primary business is such service.¹⁷

Warranties under the Uniform Commercial Code

Extended warranty motor vehicle service agreements are distinct from the basic manufacturer's warranty traditionally offered by motor vehicle manufacturers. A basic motor vehicle warranty is generally provided for in Florida's Uniform Commercial Code,¹⁸ which defines a warranty as any writing or promise made by the vehicle manufacturer which relates to the nature of the material or workmanship of the vehicle, and affirms or promises that such material or workmanship is free of defects.¹⁹

Basic warranties are not considered insurance for several reasons, namely because they are a product given to the consumer for no extra cost, and because warranties only cover defects that are under the manufacturers' control, whereas insurance or service agreements are separate contracts that indemnify consumers against harm or loss unrelated to defects found in the vehicle.²⁰ As a result, basic warranties are regulated by the Florida Attorney General's Office,²¹ and the Federal Trade Commission.²²

III. Effect of Proposed Changes:

Section 1 amends s. 634.011, F.S., to allow motor vehicle service agreements to warrant two new services:

- The replacement of tires or wheels on a motor vehicle damaged as a result of encountering a "road hazard." The bill defines "road hazard" as a danger that is encountered while operating a motor vehicle, which includes but is not limited to, potholes, rocks, wood debris, metal parts, glass, plastic, curbs, and composite scraps. A "road hazard" specifically does not include any damage caused by collision with another vehicle, vandalism, or other causes usually covered under the comprehensive or collision coverages provided by an automobile physical damage policy; and
- The replacement of a motor vehicle key or key fob if the key or key fob is inoperable, lost, or stolen.

The bill also:

- Amends the definition of "additive product" to exclude products applied to the exterior or interior surface of a motor vehicle to protect the appearance of the motor vehicle; and

¹⁷ Section 634.011(8)(c), Florida Statutes.

¹⁸ See ch. 681, F.S., "Motor Vehicle Warranty Enforcement Act."

¹⁹ Section 681.102(22), F.S.

²⁰ Kenneth E. Spahn, *Service Warranty Associations: Regulating Service Contracts as "Insurance" Under Florida's Chapter 634*, 25 Stetson Law Rev. 597, 610-614, available at <http://www.stetson.edu/law/lawreview/media/service-warranty-associations-regulating-service-contracts-as-insurance-under-floridas-chapter-634-25-3.pdf> (last accessed Feb. 5, 2016).

²¹ Section 681.102(6), F.S.

²² 15 U.S.C. §2302; United States Federal Trade Commission, *Consumer Information: Warranties*, available at <http://www.consumer.ftc.gov/articles/0252-warranties> (last accessed Feb. 5, 2016).

- Removes “hail damage” from the definition of “paintless dent-removal” to clarify that a motor vehicle service warranty for paintless dent-removal may be performed on any dent, ding, or crease, whether or not the cause was hail damage.

Section 2 of the bill provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will enable service warranty associations to offer service warranties for the replacement of tires or wheels that are damaged as a result of encountering a road hazard, for removal of dents by the process of paintless dent-removal, and for replacement of a motor vehicle key or key fob. This may enable consumers to more easily purchase such service warranties, which may prove economically beneficial to certain consumers.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 634.011 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 Banking and Insurance on January 26, 2016:

- Removes lines 96-97 regarding other services approved by the Commissioner of Insurance.
- Clarifies the definition of “Road Hazard” does not include any damage caused by collision with another vehicle, vandalism, or other causes usually covered under the comprehensive or collision coverages provided by an automobile physical damage policy.

- B. **Amendments:**

None.

By the Committee on Banking and Insurance; and Senator Abruzzo

597-02613-16

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1 A bill to be entitled
 2 An act relating to motor vehicle service agreement
 3 companies; amending s. 634.011, F.S.; revising and
 4 providing definitions; providing an effective date.
 5
 6 Be It Enacted by the Legislature of the State of Florida:
 7
 8 Section 1. Subsections (14) through (17) of section
 9 634.011, Florida Statutes, are renumbered as subsections (15)
 10 through (18), respectively, subsections (2) and (8) of that
 11 section are amended, and a new subsection (14) is added to that
 12 section, to read:
 13 634.011 Definitions.—As used in this part, the term:
 14 (2) "Additive product" means any fuel supplement, oil
 15 supplement, or any other supplement product added to a motor
 16 vehicle for the purpose of increasing or enhancing the
 17 performance or improving the longevity of such motor vehicle.
 18 The term "additive product" does not include a product applied
 19 to the exterior or interior surface of a motor vehicle to
 20 protect the appearance of the motor vehicle.
 21 (8) "Motor vehicle service agreement" or "service
 22 agreement" means any contract or agreement indemnifying the
 23 service agreement holder for the motor vehicle listed on the
 24 service agreement and arising out of the ownership, operation,
 25 and use of the motor vehicle against loss caused by failure of
 26 any mechanical or other component part, or any mechanical or
 27 other component part that does not function as it was originally
 28 intended; however, nothing in this part shall prohibit or affect
 29 the giving, free of charge, of the usual performance guarantees
 30 by manufacturers or dealers in connection with the sale of motor
 31 vehicles. Transactions exempt under s. 624.125 are expressly
 32 excluded from this definition and are exempt from the provisions

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

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33 of this part. The term "motor vehicle service agreement"
 34 includes any contract or agreement that provides:
 35 (a) For the coverage or protection defined in this
 36 subsection and which is issued or provided in conjunction with
 37 an additive product applied to the motor vehicle that is the
 38 subject of such contract or agreement;
 39 (b) For payment of vehicle protection expenses.
 40 1.a. "Vehicle protection expenses" means a preestablished
 41 flat amount payable for the loss of or damage to a vehicle or
 42 expenses incurred by the service agreement holder for loss or
 43 damage to a covered vehicle, including, but not limited to,
 44 applicable deductibles under a motor vehicle insurance policy;
 45 temporary vehicle rental expenses; expenses for a replacement
 46 vehicle that is at least the same year, make, and model of the
 47 stolen motor vehicle; sales taxes or registration fees for a
 48 replacement vehicle that is at least the same year, make, and
 49 model of the stolen vehicle; or other incidental expenses
 50 specified in the agreement.
 51 b. "Vehicle protection product" means a product or system
 52 installed or applied to a motor vehicle or designed to prevent
 53 the theft of the motor vehicle or assist in the recovery of the
 54 stolen motor vehicle.
 55 2. Vehicle protection expenses shall be payable in the
 56 event of loss or damage to the vehicle as a result of the
 57 failure of the vehicle protection product to prevent the theft
 58 of the motor vehicle or to assist in the recovery of the stolen
 59 motor vehicle. Vehicle protection expenses covered under the
 60 agreement shall be clearly stated in the service agreement form,
 61 unless the agreement provides for the payment of a

Page 2 of 4

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

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62 preestablished flat amount, in which case the service agreement
63 form shall clearly identify such amount.

64 3. Motor vehicle service agreements providing for the
65 payment of vehicle protection expenses shall either:

66 a. Reimburse a service agreement holder for the following
67 expenses, at a minimum: deductibles applicable to comprehensive
68 coverage under the service agreement holder's motor vehicle
69 insurance policy; temporary vehicle rental expenses; sales taxes
70 and registration fees on a replacement vehicle that is at least
71 the same year, make, and model of the stolen motor vehicle; and
72 the difference between the benefits paid to the service
73 agreement holder for the stolen vehicle under the service
74 agreement holder's comprehensive coverage and the actual cost of
75 a replacement vehicle that is at least the same year, make, and
76 model of the stolen motor vehicle; or

77 b. Pay a preestablished flat amount to the service
78 agreement holder.

79
80 Payments shall not duplicate any benefits or expenses paid to
81 the service agreement holder by the insurer providing
82 comprehensive coverage under a motor vehicle insurance policy
83 covering the stolen motor vehicle; however, the payment of
84 vehicle protection expenses at a preestablished flat amount of
85 \$5,000 or less does not duplicate any benefits or expenses
86 payable under any comprehensive motor vehicle insurance policy;
87 ~~or~~

88 ~~(c) For repair or replacement of tires or wheels on a~~
89 ~~motor vehicle damaged as a result of encountering a road hazard;~~

90 (d) For removal of dents, dings, or creases on a motor

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91 vehicle that may be repaired using the process of paintless dent
92 removal without affecting the existing paint finish and without
93 using replacement body panels or sanding, bonding, or painting;
94 or

95 (e) For replacement of a motor vehicle key or key fob if
96 the key or key fob is inoperable, lost, or stolen ~~For the~~
97 ~~payment for paintless dent-removal services provided by a~~
98 ~~company whose primary business is providing such services.~~

99 ~~2. "Paintless dent-removal" means the process of removing~~
100 ~~dents, dings, and creases, including hail damage, from a vehicle~~
101 ~~without affecting the existing paint finish, but does not~~
102 ~~include services that involve the replacement of vehicle body~~
103 ~~panels or sanding, bonding, or painting.~~

104 (14) "Road hazard" means a danger that is encountered while
105 operating a motor vehicle. The term includes, but is not limited
106 to, potholes, rocks, debris, metal parts, glass, plastic, curbs,
107 and composite scraps. The term does not include any damage
108 caused by collision with another vehicle, vandalism, or other
109 causes usually covered under the comprehensive or collision
110 coverages provided by an automobile physical damage policy.

111 Section 2. This act shall take effect July 1, 2016.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Health and Human
Services
Communications, Energy, and Public Utilities
Community Affairs
Fiscal Policy
Regulated Industries

JOINT COMMITTEE:

Joint Legislative Auditing Committee, *Alternating Chair*

SENATOR JOSEPH ABRUZZO
Minority Whip
25th District

February 8th, 2016

The Honorable David Simmons
400 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Simmons:

I respectfully request Senate Bill 1120, Motor Vehicle Service Agreement Companies, be considered for placement on Rules committee agenda. This piece of legislation authorizes coverage under motor vehicle service agreements for specific damages caused by road hazards, additional coverage for key-fobs, and other services approved by the Commissioner.

Please feel free to contact me if I can provide you with any additional information. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "JA", written over a white background.

Joseph Abruzzo

Cc: John B. Phelps, *Staff Director*

REPLY TO:

- 12300 Forest Hill Boulevard, Suite 200, Wellington, Florida 33414-5785 (561) 791-4774 FAX: (888) 284-6495
- 110 Dr. Martin Luther King, Jr. Boulevard, Belle Glade, Florida 33430-3900 (561) 829-1410
- 222 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

Feb 17/2016
Meeting Date

1120
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name TIM MEENAN

Job Title _____

Address 325 W College Street Tall. FL
City State Zip

Phone 950 425-4000

Email _____

Speaking: For Against Information

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

Representing Motor Vehicle Ancillary Product Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 1364

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Hays

SUBJECT: Public Records/Personal Information Obtained in Connection with Licensure

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hinton</u>	<u>Rogers</u>	<u>EP</u>	Fav/CS
2.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	Favorable
3.	<u>Hinton</u>	<u>Phelps</u>	<u>RC</u>	Unfavorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1364 provides a public records exemption for personal information held by the Fish and Wildlife Conservation Commissions (FWC) in connection with licenses, permits, and certifications issued by FWC related to:

- Recreational fishing, hunting, or use licenses and permits, or other noncommercial or nonprofessional licenses and permits;
- Hunter safety certifications; and
- Boating safety certification or recreation records.

The bill defines “commercial entity” to mean any corporation, partnership, limited partnership, proprietorship, sold proprietorship, firm, enterprise, franchise, or association.

The bill defines “personal information” to mean information that identifies an individual, including, but not limited to, an individual’s:

- Photograph;
- Social security number;
- Driver license number;
- Name;
- Date of birth;
- Address, exclusive of the five-digit zip code;
- Telephone number;

- E-mail or other electronic communication address; and
- Medical or disability information.

The bill provides circumstances for when personal information may be disclosed by the FWC.

The bill provides that the exemption applies to personal information held by the FWC at any time, that it is subject to the Open Government Sunset Review Act, and that it will be repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity, as required by the Florida Constitution.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person and that providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” 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.” 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.”

agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹³ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (OGSR).

The OGSR prescribes a legislative review process for newly created or substantially amended public records.¹⁵ 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.¹⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ FLA. CONST., art. I, s. 24(c).

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ 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).

¹⁴ 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).

¹⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is 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 s. 119.15(2), F.S. The OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one legislature cannot bind a future legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁷ 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 otherwise provided for by law.¹⁸

Applications for Licenses, Permits, and Certifications

Every person, unless exempt as provided in s. 379.353, F.S., taking game, fish, or fur-bearing animals within this state is required to have a hunting or fishing license, permit, or authorization number from FWC authorizing that activity.¹⁹ A person wishing to purchase certain recreational licenses through the FWC's website may do so by creating an account with its Recreational License Issuance Service (service). The information requested when registering with the service includes:²⁰

- Full name;
- Ethnicity;
- Gender;
- Height;
- Email;
- Social security number;
- Driver license number;
- Date of birth;
- Phone number; and
- Physical and mailing address.²¹

Once someone creates an account with the service, that person can then purchase various recreational hunting and fishing licenses and permits, make donations to youth programs, and purchase gift cards. FWC also offers specially priced resident licenses for persons with disabilities, which require both proof of residency and proof of disability.²²

Hunter Safety Certification

Subject to certain exceptions, a person born on or after June 1, 1975, may not be issued a license to take wild animal life using a firearm, gun, bow, or crossbow in this state without having first successfully completed a hunter safety course, and without having in his or her possession a hunter safety certification card.²³ The form FWC provides an applicant for enrollment in a hunter

¹⁷ FLA. CONST., art. I, s. 24(c).

¹⁸ Section 119.15(7), F.S.

¹⁹ Section 379.354(1), F.S.

²⁰ FWC, *Account Creation*, available at <https://public.myfwc.com/CrossDOI/PermitMe/Permittee/PermitteeProfile.aspx> (last visited Jan. 22, 2016).

²¹ See s. 379.352(2), F.S.

²² Section 379.353, F.S. See also FWC, *Persons with Disabilities Resident Hunting/Fishing License*, available at <http://myfwc.com/license/accessibility/license/> (last visited Jan. 22, 2016).

²³ Section 379.3581, F.S.

safety course requests the same information as is requested for registering with the Recreational License Issuance Service.²⁴

Boating Safety Certification

A person born on or after January 1, 1988, may not operate a vessel powered by a motor of 10 horsepower or greater unless that person has in his or her possession, aboard the vessel, photographic identification and a boater safety identification card issued by the FWC which shows that he or she:

- Completed an FWC approved boater education course that meets certain qualifications;
- Passed a course equivalency examination approved by the FWC; or
- Passed a temporary certificate examination developed or approved by the FWC.

To receive a boater education identification card, an applicant must submit a letter to the FWC containing the applicant's:

- Name;
- Date of birth;
- Return address;
- Phone number; and
- Proof of completion of the course.²⁵

III. Effect of Proposed Changes:

Section 1 creates s. 379.107, F.S. to provide a public records exemption for personal information obtained in connection with licensure.

The bill defines "commercial entity" to mean any:

- Corporation;
- Partnership;
- Limited partnership;
- Proprietorship;
- Sole proprietorship;
- Firm;
- Enterprise;
- Franchise; or
- Association.

The bill defines "personal information" to mean information that identifies an individual, including but not limited to, an individual's:

- Photograph;
- Social security number;
- Driver license number;

²⁴ FWC, *Request for Enrollment for Hunter Safety Class being held in Panama City*, available at https://public.myfwc.com/hgm/huntersafety/clsreq.aspx?p_class_id=39283 (last visited Jan. 22, 2016).

²⁵ FWC, *How to Get a Boater Education Identification Card*, available at <http://myfwc.com/boating/safety-education/id/> (last visited Jan. 22, 2016).

- Name;
- Date of birth;
- Address, exclusive of the five-digit zip code;
- Telephone number;
- E-mail or other electronic communication address; and
- Medical or disability information.

The bill provides that personal information held by FWC for the following licenses, permits, and certifications issued by the FWC is confidential and exempt²⁶ from s. 119.07(1), F.S., and s. 24(a) of Art. I of the State Constitution:

- Recreational fishing, hunting, or use licenses and permits, or other noncommercial or nonprofessional licenses and permits;
- Hunter safety certification; and
- Boating safety certification.

The bill provides that information may only be disclosed as follows:

- For use by a court, law enforcement agency, or other agency, as defined in s. 119.011(2), F.S., in carrying out its duties;
- For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency presenting before a regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court;
- For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains; and
- For use by a commercial entity for verification of the accuracy of personal information received by such entity in the normal course of its business, including identification or prevention of fraud, or matching, verifying, or retrieving information. The bill provides that this does not include the display or bulk sale of the legal residential address, date of birth, or telephone number of a license holder to the public or the distribution of such information to any customer not identifiable by the commercial entity.

The bill provides that the public records exemption applies to personal information held by the FWC at any time, including information held prior to the effective date of the bill.

The bill provides that the exemption is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2021, unless it is reviewed and saved from repeal through reenactment by the Legislature.

Section 2 creates an undesignated section of law providing a statement of public necessity for the public records exemption, as required by the Florida Constitution.

²⁶ As noted in the Section II of the analysis, information that is “confidential and exempt” is not subject to inspection by the public and may only be released to the persons or organizations designated in the statute.

The bill states that the Legislature finds it is a public necessity that personal information held by the FWC in connection with applications for licenses, permits, or certifications for recreational, nonprofessional, or noncommercial activities be made confidential and exempt from s. 119.07(1), F.S., and s. 24(a) of Article I of the State Constitution.

The bill states that:

- Under current law, personal information that applicants must provide to the FWC in order to apply for such licenses, permits, or certifications is a public record available for any purpose, and that such information can be obtained and used to perpetrate identity theft;
- The public availability of this personal information needlessly increases the risk of identity theft with those individuals who have an FWC issued license, permit, or certification; and
- These unnecessary risks would be diminished or eliminated if the FWC preserved the confidentiality of personal information held by the FWC relating to such licenses, permits, or certifications.

The bill provides that the Legislature finds it is a public necessity to make confidential and exempt from public records requirements personal information held by the FWC relating to licenses, permits, or certifications for recreational, nonprofessional, or noncommercial activities.

Section 3 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Pursuant to Article I, Section 24(c) of the State Constitution, all public records exemptions require a two-thirds vote by both the Senate and the House.

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:

The bill makes social security numbers confidential and exempt, however there is already a general exemption for social security numbers held by an agency in s. 119.071(5), F.S. The exemption in s. 119.071(5), F.S. also includes a commercial use exception.

The bill's commercial use exception appears be unclear. The commercial use exception appears to permit the display or bulk sale of the following: names, photographs, social security numbers, driver license numbers, e-mail or other electronic communication address; and medical or disability information.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following section of the Florida Statutes: 379.107.

This bill creates an undesignated section of Florida Law.

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 Environmental Preservation and Conservation on January 27, 2016:

The CS makes the following changes to the bill:

- Defines “commercial entity;”
- Removes “invasive contacts” as one of the possible risks of disclosure of personal information;
- Provides in section 2 that personal information should be made “confidential and exempt” as opposed to “exempt,” which conforms the phrase to its usage in section 1 and further in section 2 of the bill;
- Authorizes certain personal information to be disclosed to commercial entities under specified circumstances; and
- Makes technical changes.

- B. **Amendments:**

None.



973116

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/17/2016	.	
	.	
	.	
	.	

The Committee on Rules (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 379.107, Florida Statutes, is created to
read:

379.107 Public records exemption; personal information
obtained in connection with licensure.-

(1) For purposes of this section, the term "personal
information" means information that identifies an individual,
including, but not limited to, an individual's photograph;



973116

12 social security number; driver license number; name; date of
13 birth; address, exclusive of the five-digit zip code; telephone
14 number; e-mail or other electronic communication address; and
15 medical or disability information.

16 (2) Except as provided in subsection (3), personal
17 information held by the commission in connection with the
18 following licenses, privileges, and certifications issued by the
19 commission is confidential and exempt from s. 119.07(1) and s.
20 24(a), Art. I of the State Constitution:

21 (a) Recreational hunting licenses and privileges.

22 (b) Hunter safety certifications.

23 (3) Personal information may be disclosed only as follows:

24 (a) For use by a court, law enforcement agency, or other
25 agency, as defined in s. 119.011(2), in carrying out its duties.

26 (b) For use in connection with any civil, criminal,
27 administrative, or arbitral proceeding in any federal, state, or
28 local court or agency presenting before a self-regulatory body,
29 including the service of process, investigation in anticipation
30 of litigation, and the execution or enforcement of judgments and
31 orders, or pursuant to an order of a federal, state, or local
32 court.

33 (c) For use by any requester, if the requester demonstrates
34 he or she has obtained the written consent of the individual to
35 whom the information pertains.

36 (4) This exemption applies to personal information held by
37 an agency before, on, or after July 1, 2016.

38 (5) This section is subject to the Open Government Sunset
39 Review Act in accordance with s. 119.15 and shall stand repealed
40 October 2, 2021, unless reviewed and saved from repeal through



973116

41 reenactment by the Legislature.

42 Section 2. The Legislature finds that it is a public
43 necessity that personal information held by the Fish and
44 Wildlife Conservation Commission in connection with applications
45 for recreational hunting licenses and privileges, and hunting
46 safety certifications be made exempt from s. 119.07(1), Florida
47 Statutes, and s. 24(a), Article I of the State Constitution.
48 Under current law, personal information that applicants must
49 provide to the commission in order to apply for such licenses,
50 privileges, and certifications is a public record available for
51 any purpose. Such information can be obtained and used to
52 perpetrate identity theft and other invasive contacts. The
53 public availability of this personal information needlessly
54 increases the risk of identity theft and invasive contacts with
55 those applying to the commission for such licenses, privileges,
56 and certifications. These unnecessary risks would be diminished
57 or eliminated if the commission preserved the confidentiality of
58 personal information provided on applications for such licenses,
59 privileges, and certifications. Therefore, the Legislature finds
60 that it is a public necessity to make exempt from public records
61 requirements personal information that is provided to the
62 commission on applications for recreational hunting licenses and
63 privileges, and hunting safety certifications.

64 Section 3. This act shall take effect July 1, 2016.

65
66 ===== T I T L E A M E N D M E N T =====

67 And the title is amended as follows:

68 Delete everything before the enacting clause
69 and insert:



973116

70 A bill to be entitled
71 An act relating to public records; creating s.
72 379.107, F.S.; defining the term "personal
73 information"; providing an exemption from public
74 records requirements for personal information provided
75 to the Fish and Wildlife Conservation Commission on
76 applications for certain hunting-related licenses,
77 privileges, and certifications; providing
78 circumstances under which personal information may be
79 disclosed; providing applicability; providing for
80 future legislative review and repeal of the exemption;
81 providing a statement of public necessity; providing
82 an effective date.



305334

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/17/2016	.	
	.	
	.	
	.	

The Committee on Rules (Latvala) recommended the following:

Senate Amendment to Amendment (973116)

Delete line 46

and insert:

safety certifications be made confidential and exempt from s.
119.07(1), Florida

Delete line 60

and insert:

that it is a public necessity to make confidential and exempt
from public records

By the Committee on Environmental Preservation and Conservation;
and Senator Hays

592-02668-16

20161364c1

A bill to be entitled

An act relating to public records; creating s. 379.107, F.S.; defining the terms "commercial entity" and "personal information"; providing an exemption from public records requirements for personal information provided to the Fish and Wildlife Conservation Commission on applications for certain licenses, permits, and certifications; providing circumstances under which personal information may be disclosed; providing applicability; providing for future legislative 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 379.107, Florida Statutes, is created to read:

379.107 Public records exemption; personal information.-

(1) For purposes of this section, the term:

(a) "Commercial entity" means any corporation, partnership, limited partnership, proprietorship, sole proprietorship, firm, enterprise, franchise, or association.

(b) "Personal information" means information that identifies an individual, including, but not limited to, an individual's photograph; social security number; driver license number; name; date of birth; address, exclusive of the five-digit zip code; telephone number; e-mail or other electronic communication address; and medical or disability information.

(2) Except as provided in subsection (3), personal information held by the commission in connection with the

Page 1 of 4

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

592-02668-16

20161364c1

following licenses, permits, and certifications issued by the commission is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Recreational fishing, hunting, or use licenses and permits, and other noncommercial or nonprofessional licenses and permits.

(b) Hunter safety certification.

(c) Boating safety certification or recreation record.

(3) Personal information may be disclosed only as follows:

(a) For use by a court, law enforcement agency, or other agency, as defined in s. 119.011(2), in carrying out its duties.

(b) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency presenting before a regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court.

(c) For use by any requester, upon demonstration of written consent for such use by the individual to whom the information pertains.

(d) For use by a commercial entity for verification of the accuracy of personal information received by such entity in the normal course of its business, including identification or prevention of fraud, or matching, verifying, or retrieving information. This does not include the display or bulk sale of the legal residential address, date of birth, or telephone number of a licenseholder to the public or the distribution of such information to any customer not identifiable by the

Page 2 of 4

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

592-02668-16

20161364c1

61 commercial entity.

62 (4) This exemption applies to personal information held at
 63 any time by the commission, including such information held
 64 prior to the effective date of this act.

65 (5) This section is subject to the Open Government Sunset
 66 Review Act in accordance with s. 119.15 and shall stand repealed
 67 on October 2, 2021, unless reviewed and saved from repeal
 68 through reenactment by the Legislature.

69 Section 2. The Legislature finds that it is a public
 70 necessity that personal information held by the Fish and
 71 Wildlife Conservation Commission in connection with applications
 72 for licenses, permits, or certifications for recreational,
 73 nonprofessional, or noncommercial activities be made
 74 confidential and exempt from s. 119.07(1), Florida Statutes, and
 75 s. 24(a), Article I of the State Constitution. Under current
 76 law, personal information held by the commission relating to
 77 such licenses, permits, or certifications is a public record
 78 available for any purpose. Such information can be obtained and
 79 used to perpetrate identity theft. The public availability of
 80 this personal information needlessly increases the risk of
 81 identity theft with those individuals who have a commission-
 82 issued license, permit, or certificate. This unnecessary risk
 83 would be diminished or eliminated if the commission preserved
 84 the confidentiality of personal information held by the
 85 commission relating to such licenses, permits, or
 86 certifications. Therefore, the Legislature finds that it is a
 87 public necessity to make confidential and exempt from public
 88 records requirements personal information held by the commission
 89 relating to licenses, permits, or certifications for

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

592-02668-16

20161364c1

90 recreational, nonprofessional, or noncommercial activities.

91 Section 3. This act shall take effect July 1, 2016.
 92

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on General Government, *Chair*
Governmental Oversight and Accountability, *Vice Chair*
Appropriations
Environmental Preservation and Conservation
Ethics and Elections
Fiscal Policy

JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining, *Alternating Chair*

SENATOR ALAN HAYS
11th District

MEMORANDUM

To: Senator David Simmons, Chair
Committee on Rules
CC: John B. Phelps, Staff Director
Cissy DuBose, Committee Administrative Assistant

From: Senator D. Alan Hays

Subject: Request to agenda SB 1364- Public Records/Personal Information Obtained in Connection with Licensure

Date: February 9, 2016

The above referenced bill passed through Government Oversight and Accountability committee this morning. In the interest of keeping the bill moving forward, I am asking that you please consider adding it to your next agenda "if received." If you have any questions regarding this legislation, I welcome the opportunity to meet with you one-on-one to discuss it in further detail. Thank you so much for your consideration of this request.

Sincerely,

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

D. Alan Hays, DMD
State Senator, District 11

REPLY TO:

- 871 South Central Avenue, Umatilla, Florida 32784-9290 (352) 742-6441
- 320 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011
- 1104 Main Street, The Villages, Florida 32159 (352) 360-6739 FAX: (352) 360-6748
- 685 West Montrose Street, Suite 210, Clermont, Florida 34711 (352) 241-9344 FAX: (888) 263-3677

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SM 1642

INTRODUCER: Senator Garcia

SUBJECT: Cuban Adjustment Act of 1966

DATE: February 16, 2016

REVISED: 02/08/16

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Davis</u>	<u>Phelps</u>	<u>RC</u>	Favorable

I. Summary:

SM 1642 urges Congress to review and revise the Cuban Adjustment Act of 1966. The Cuban Adjustment Act (CAA) and subsequent legislation provide Cuban immigrants with unique benefits and an expedited path to citizenship. These legal and financial benefits are not available to any other group of immigrants. As the United States has reestablished diplomatic ties with Cuba, the number of Cubans entering this country has increased dramatically.

The memorial recounts recent changes in the relationship between the United States and Cuba and urges Congress to review and revise the CAA to reflect the changes that have occurred since the legislation was enacted over 50 years ago.

II. Present Situation:

Since Fidel Castro formally seized power in Cuba in 1959, thousands of Cubans have fled the island nation, often in makeshift boats, seeking refuge in this country. The flow of immigrants has been steady, punctuated by several noticeable surges. The generous and unique laws that welcome Cubans to this country, coupled with the various forms of aid available to them upon arrival, make it advantageous for Cubans to relocate here.

Federal Laws and Policies

The Cuban Adjustment Act of 1966

The foundation of American-Cuban immigration policy is the Cuban Adjustment Act of 1966 (CAA).¹ Congress passed the legislation to accommodate the migration of Cubans after the 1965 amendments to the Immigration and Nationality Act limited the number of Cubans and other

¹ 8 U.S.C. 1255, Pub. L. No. 89-732, 80 Stat. 1161.

immigrants who could receive visas to enter this country.² Under the provisions of the CAA, all Cubans who arrive here are treated as political refugees and are eligible to become legal permanent residents after one year, and receive a green card, if they are otherwise admissible. Congress has passed additional immigration legislation³ establishing the broader refugee and asylum system, but the favorable CAA provisions have not been changed.⁴ No other immigrant group receives this favorable treatment.⁵

As boat migrations increased in 1993 and 1994, the U.S. and Cuba reached two migration agreements under the Clinton administration. Before the agreements, Cubans interdicted at sea by the U.S. Coast Guard or Navy were granted admission to this country. Some criticized this practice as unnecessarily encouraging Cubans to undertake the often perilous and sometimes fatal journey. In the 1994 agreement, Cuba committed to discourage the maritime journeys and the United States agreed to grant admission to at least 20,000 Cubans each year while placing interdicted Cubans in safe havens where they would be considered for asylum. With the 1995 agreement, the United States agreed to parole status for approximately 30,000 Cubans who were awaiting an asylum determination but changed the policy for returning interdicted Cubans. Cubans who were afraid of persecution if returned to Cuba were deemed to meet the definition of a refugee and would be relocated to third countries, but were no longer eligible for asylum here.⁶

The “Wet Foot, Dry Foot” Policy

The CAA and the 1994 and 1995 agreements have established what is commonly referred to as the “wet-foot, dry-foot” policy towards Cubans. In simple terms, a Cuban who does not reach the shore is returned to Cuba, unless he or she expresses a fear of persecution. A Cuban who successfully reaches the shore is inspected by the Department of Homeland Security and is generally permitted to remain and adjust to permanent resident status the following year under the CAA.⁷

The Effects of Normalization and Recent Developments

President Obama announced a major policy change towards Cuba in December 2014. In moving away from a policy based on sanctions that originated in the Cold War, he announced a new policy of engagement characterized by the normalization of relations.⁸ The policy change has involved:

- Restoring diplomatic relations, which were reestablished on July 20, 2015;

² Marc R. Rosenblum and Faye Hipsman, Migration Policy Institute, *Normalization of Relations with Cuba May Portend Changes to U.S. Immigration Policy* (Jan. 13, 2015), available at <http://www.migrationpolicy.org/article/normalization-relations-cuba-may-portend-changes-us-immigration-policy>.

³ This analysis does not address all legislation governing Cuban immigration policy. Only the laws identified in SM 1642 are discussed.

⁴ *Supra* note 2.

⁵ Ruth E. Wasem, Congressional Research Service, *Cuban Migration to the United States: Policy and Trends* (June 2, 2009), available at <http://www.fas.org/sgp/crs/row/R40566.pdf>

⁶ *Supra* note 2.

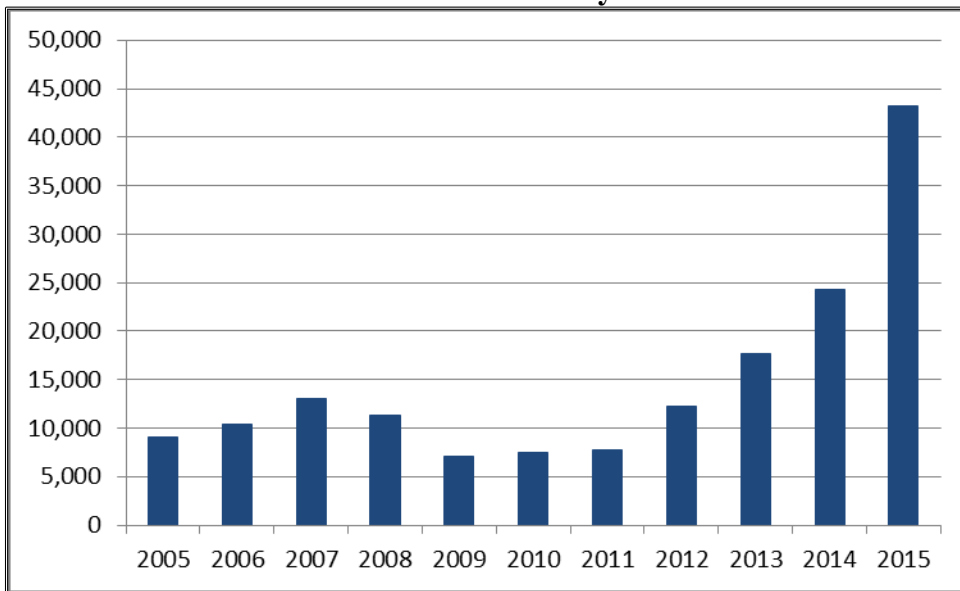
⁷ *Supra* note 5.

⁸ Mark P. Sullivan, Congressional Research Service, *Cuba: Issues for the 114th Congress* (Jan. 11, 2016), available at <http://fas.org/sgp/crs/row/R43926.pdf>.

- Reviewing Cuba’s designation as a state sponsor of terrorism, which was rescinded on May 29, 2015; and
- Increasing commerce, travel, and the flow of information to Cuba.⁹

According to the Pew Research Center, the number of Cubans who have entered the U.S. has risen dramatically since President Obama announced the policy changes toward Cuba. In fiscal year 2015, the number of Cubans entering the United States through a port of entry was 43,159. This is a 78 percent increase over fiscal year 2014, when 24,278 Cubans arrived.¹⁰ In fiscal year 2013, after the Cuban government relaxed travel restrictions, the number was 17,679. In contrast, the number of Cubans coming to the U.S. for fiscal years 2009, 2010, and 2011 ranged from 7,037 to 7,759.¹¹ From January to March 2015, soon after the policy change announcement, 9,900 Cubans entered the country which is more than double the 4,746 who entered during those same three months in 2014. A new migration trend is emerging whereby a growing number of Cubans are flying to Ecuador and traveling north through Central America and Mexico and entering through the Border Patrol’s Laredo, Texas Sector. For fiscal year 2015, two-thirds of all entering Cubans came this way. In fiscal year 2015, the number of Cubans entering through the Miami Sector increased from 4,709 in 2014 to 9,999.¹²

Number of Cubans Who Entered the U.S. by Fiscal Year¹³



⁹ *Id.* According to the Congressional Research Service, the Treasury and Commerce departments have relaxed the embargo regulations in the areas of travel, remittances, telecommunications, trade, and financial services. The broader embargo remains in place and may be lifted only by congressional action or if specified conditions in Cuba take place, in particular, having a democratically elected government.

¹⁰ Jens Manuel Krogstad, Pew Research Center, *Cuban Immigration to U.S. Surges as Relations Warm* (Dec. 10, 2015), available at <http://www.pewresearch.org/fact-tank/2015/12/10/cuban-immigration-to-u-s-surges-as-relations-warm/>. The entry statistics were obtained through a public records request to the U.S. Customs and Border Protection.

¹¹ *Id.*

¹² *Id.*

¹³ This chart was developed by Jens Krogstad, Writer/Editor, Pew Research Center, and is based on data he obtained from the U.S. Customs and Border Protection, U.S. Department of Homeland Security. Additional data was supplied in an email from Jens Krogstad (Feb. 1, 2016) (on file with the Senate Committee on Judiciary).

Maritime Migration Statistics

According to the U.S. Coast Guard, attempts by Cubans to migrate to the U.S. through the Florida Straits, the Caribbean, and the Atlantic have surged as relations between the countries have improved. Their intelligence assessment is that, based on recent trends and the improving relationship between the two countries, Cuban migration will continue to increase during 2016. Their reported data shows a marked increase for the first months of fiscal year 2016 over that same time period in fiscal years 2014 and 2015.¹⁴ The disrupted, interdicted, and completed migrations increased 46% between the same time periods in 2015 and 2016.

Cuban Monthly Flow by Sea

Fiscal Year	2014	2015	2016
November	199	207	493
December	222	507	619
January	240	355	449 ¹⁵
Totals	661	1069	1561

The Coast Guard reported 2,111 interdictions in fiscal year 2014 and 2,927 in fiscal year 2015. In January 2016, the Coast Guard interdicted 391 Cubans, or 87 percent of the flow of Cubans to the United States.¹⁶

Federal Assistance for Eligible Cubans

When Cubans are classified as refugees, asylees, asylum applicants, parolees, or are in removal proceedings, federal laws and policies provide substantial resources to the state to help them integrate into local communities. If Cubans meet the necessary requirements to qualify, they may access the following benefits:

- Supplementary Social Income (SSI)
- Medicaid
- Supplemental Nutrition Assistance Program (SNAP)
- Temporary Assistance for Needy Families (TANF)
- Refugee Cash Assistance (RCA)
- Refugee Medical Assistance (RMA)

SSI and SNAP are federally funded programs, RCA and RMA are federally funded through a grant from the Office of Refugee Resettlement, and TANF and Medicaid are split federal and state funding.¹⁷

¹⁴ U.S. Coast Guard, District Seven, *Cuban Maritime Migration Update* (Jan. 2016) (on file with the Senate Committee on Judiciary). The fiscal year for the federal government begins on October 1 and ends on September 30. Accordingly, fiscal year 2014 includes data from November and December 2013 and January 2014.

¹⁵ *Id.*

¹⁶ Email from CDR Timothy Cronin, Assistant Branch Chief, Enforcement, Coast Guard Seventh District (Feb. 1, 2016) (on file with the Senate Committee on Judiciary).

¹⁷ Email from Patti Grogan, Director, Refugee Services, Department of Children and Families (Feb. 2, 2016) (on file with the Senate Committee on Judiciary).

Cuban Population Statistics

Cuban Immigrants Living in the United States

After the revolution in Cuba, the number of Cuban immigrants living in the United States rose from 71,000 in 1950 to 163,000 in 1960. The U.S. government arranged “Freedom Flights” between 1965 and 1973, bringing approximately 300,000 Cubans to Miami. With the Mariel boatlift of 1980 an additional 125,000 Cubans arrived in South Florida over a 6 month period. Boat migrations continued to bring thousands more Cubans into Florida. The Cuban immigrant population rose from approximately 737,000 in 1990 to 1,144,000 in 2013. Presently, the United States has the largest number of Cuban immigrants in the world, followed by Spain, Italy, Puerto Rico, and Mexico.¹⁸

Cuban Arrivals in Florida

The last 5 years have seen a consistent increase in Cubans coming to Florida. Between 1996 and 2011, approximately 24,000 Cubans arrived in Florida each year for a monthly average of 2,000 people. Strategies changed and many Cubans began traveling to South America or Mexico to enter through Texas where the wet foot, dry foot policy permitted their entry without risking a maritime crossing. In 2012, however, the numbers began to rise and the trend has continued each year. The average number of Cubans coming to Florida in fiscal year 2012 was almost 2,300 per month, for fiscal years 2013 and 2014, the number rose to over 2,600 per month. In fiscal year 2015, the average monthly migration increased to 3,700 each month. The rate remains high and continues to increase.¹⁹

The population of newly arriving Cuban immigrants is concentrated in Miami-Dade County where approximately 75 percent of the new arrivals reside. The communities registering the next largest populations are Hillsborough, Palm Beach, Broward, and Orange counties.²⁰ While Florida received refugees from 57 countries in 2015, 94 percent were Cubans and 71 percent of them settled in Miami-Dade County.²¹

Media Accounts of Cubans Taking Advantage of the Migration Laws and Benefits

The Sun Sentinel newspaper produced a series of articles last year detailing alleged abuses of the benefits available to Cubans. One article stated that Cuban immigrants are “cashing in on U.S. welfare” and returning to Cuba, making a “mockery” of the premise that Cuban refugees are fleeing persecution when they arrive here.²² Another article detailed the generous benefits that

¹⁸ Sylvia Rusin, Jie Zong, and Jeanne Batalova, Migration Policy Institute, *Cuban Immigrants in the United States* (April 7, 2015), available at <http://www.migrationpolicy.org/article/cuban-immigrants-united-states>

¹⁹ Patti Grogan, Director, Refugee Services, Department of Children and Families, *Increasing Cuban Arrivals to Florida, Recent History and Implications* (Jan. 28, 2016) (on file with the Senate Committee on Judiciary).

²⁰ *Id.*

²¹ Florida Department of Children and Families, *Statistics for Florida 2015*, available at <http://www.myflfamilies.com/service-programs/refugee-services/statistics-florida>.

²² Sally Kestin, Megan O'Matz, John Maines, with Tracey Eaton, *U.S. Welfare Flows to Cuba*, SUN SENTINEL, (Oct. 1, 2015), available at <http://www.sun-sentinel.com/us-cuba-welfare-benefits/sfl-us-cuba-welfare-benefits-part-1-htmlstory.html>.

are available to Cuban immigrants, but not to other immigrants.²³ A three-part series reported findings that “money stolen in the United States” was streaming back to Cuba thereby allowing thieves to come and quickly make money which returned with them to Cuba.²⁴ The second installment reported alleged Cuban organized crime rings that recruited Cubans to work in their organizations in Florida. The third installment detailed the response of members of Congress to the investigative reports. The installment also raised suspicions as to whether the Cuban government is behind the criminal activities.

Proposed Federal Legislation

Several members of Congress have co-sponsored the Cuban Immigrant Work Opportunity Act of 2016 in an attempt to correct perceived abuses to the current system.²⁵ The act is supposed to eliminate the automatic eligibility that Cubans enjoy under the Refugee Resettlement Program and ensure that only Cubans who can demonstrate persecution are able to participate in the benefits. Additionally, the administration is held accountable to enforce regulations that will ensure that benefits are not received by persons living outside of the country.²⁶

U.S. Department of State - Embassy Website

The U.S. Department of State issued a fact sheet entitled the “Re-Establishment of Diplomatic Relations With Cuba” on July 6, 2015.²⁷ After discussing the normalization of relations, the article concludes with a position statement on Cuban immigration policy:

The Administration has no plans to alter current migration policy, including the Cuban Adjustment Act. The United States continues to support safe, legal and orderly migration from Cuba to the United States and the full implementation of the existing migration accords with Cuba.

III. Effect of Proposed Changes:

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor’s approval nor is it subject to a veto. Memorials often

²³ Sally Kestin and Megan O’Matz, *Aid favors Cuban immigrants*, SUN SENTINEL (Sept. 30, 2015), available at <http://www.sun-sentinel.com/sfl-aid-favors-cuban-immigrants-20150930-htmlstory.html>.

²⁴ Sally Kestin, Megan O’Matz, John Maines and Tracey Eaton, *Part I: Exploiting U.S. Laws Part II: Organized and Spreading*; and *Part III: Congress Reacts*, SUN SENTINEL, (Jan. 8, 2015) available at <http://interactive.sun-sentinel.com/plundering-america/>.

²⁵ H.R. 4247 by Reps. Carlos Curbelo, Ileana Ros-Lehtinen, Mario Diaz-Balart, Theodore Deutch, Ron DeSantis, Debbie Wasserman Schultz, Lois Frankel, Ander Crenshaw, and others. The companion measure, S.2441, is sponsored by Sen. Marco Rubio.

²⁶ Congressman Carlos Curbelo, *Protect the Refugee Assistance Program from Fraud and Abuse* (on file with the Senate Committee on Judiciary).

²⁷ U.S. Department of State, *Re-Establishment of Diplomatic Relations With Cuba* (July 6, 2015), available at <http://www.state.gov/r/pa/prs/ps/2015/07/244623.htm>.

express the Legislature's desire that Congress take action on a certain matter or request that Congress propose an amendment to the United States Constitution.²⁸

SM 1642 urges Congress to review and revise the Cuban Adjustment Act of 1966. The current law and policies, which were enacted more than 50 years ago, provide Cuban immigrants with unique financial benefits and an expedited path to citizenship that is not available to any other immigrant group. These benefits were established during the Cold War and were designed to welcome Cubans and make their assimilation into the United States very smooth.

The memorial states that the Cuban Adjustment Act was enacted when the United States did not recognize the government of Cuba, there were no diplomatic relations between the nations, travel was restricted, and Cuban immigrants were politically oppressed refugees during the Cold War. However, since the Cold War has ended and the United States has recognized the Cuban government, diplomatic relations are maintained, and travel is less restricted, Congress should review and revise the Cuban Adjustment Act to reflect the changes that now exist in the relationship between the United States and Cuba. Congress is urged to specifically consider how Cubans are eligible to apply for social benefits under the "wet foot, dry foot" policy in light of the renewed diplomatic relationship between the nations. However, the memorial does not request that Congress enact any specific policy.

Copies of the memorial are to be sent to the President, the President of the United States Senate, the Speaker of the House of Representatives, and each member of the Florida delegation to Congress.

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.

²⁸Office of Bill Drafting Services, *Manual for Drafting Legislation*, The Florida Senate, at 137-138. (2009), available at <http://intranet.flsenate.gov/Publications>.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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 Garcia

38-01487A-16

20161642__

Senate Memorial

A memorial to the Congress of the United States,
urging Congress to review and revise the Cuban
Adjustment Act of 1966.

WHEREAS, the Cuban Adjustment Act of 1966, Pub. L. No. 89-
732, 80 Stat. 1161, was enacted and subsequently amended to
allow certain Cubans physically present in the United States to
be treated as aliens lawfully admitted for permanent residence,
creating what is often referred to as the "wet foot, dry foot"
policy, and

WHEREAS, this law provides Cuban immigrants with an
advantage that immigrants of other nationalities do not have,
and

WHEREAS, at the time the law was enacted, the Cuban
government was not recognized by the United States, the
countries did not maintain diplomatic relations, travel between
the countries was severely restricted, and Cuban immigrants were
refugees from political oppression during the Cold War, and

WHEREAS, the Cold War has ended, the United States has
recognized the Cuban government, and both countries now maintain
diplomatic relations, and

WHEREAS, travel between the United States and Cuba is now
considerably less restricted, NOW, THEREFORE,

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

That the Congress of the United States is urged to review
and revise the Cuban Adjustment Act of 1966 to reflect the
changes in the relationship between the United States and Cuba
in the half century since its enactment. Specifically, the
Congress of the United States should consider the circumstances

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

38-01487A-16

20161642__

under which Cuban immigrants are eligible to apply for social
benefits as refugees under the wet foot, dry foot policy, taking
into consideration the renewed diplomatic relations between the
two nations.

BE IT FURTHER RESOLVED that copies of this memorial be
dispatched to the President of the United States, to the
President of the United States Senate, to the Speaker of the
United States House of Representatives, and to each member of
the Florida delegation to the United States Congress.

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 Rules

BILL: CS/SB 754

INTRODUCER: Commerce and Tourism Committee and Senator Richter

SUBJECT: Public Records/Department of Agriculture and Consumer Services Criminal or Civil Intelligence or Investigative Information

DATE: February 16, 2016 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<u>Favorable</u>
3.	<u>Harmsen</u>	<u>Phelps</u>	<u>RC</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 754 creates a new public records exemption for the Department of Agriculture and Consumer Services (DACS). The exemption provides that criminal or civil intelligence, investigative information, or any other information held by the DACS as part of a joint or multiagency examination with another state or federal agency will be confidential and exempt from public disclosure.

This exemption does not apply to information held by the DACS that that would otherwise be available for public inspection if the DACS performed an independent investigation.

The bill provides that the public record exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a public necessity statement as required by the Florida Constitution.

This bill requires a two-thirds vote from each chamber for passage.

This bill goes into effect when SB 772 or similar legislation is adopted.

II. Present Situation:

Public Records and Open Meetings Requirements

The Florida Constitution provides that the public has the right to access governmental meetings and to inspect or copy government records. The public may inspect or copy any records 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, counties, municipalities, school districts, or special districts at which public business is transacted or discussed.² The Legislature's meetings must be open and noticed to the public, unless there is an exception provided by the constitution.³

The Florida Statutes specify conditions under which public access must be provided to government records and meetings. Chapter 119, F.S., the "Public Records Act," constitutes the main body of public records laws, and states that:

It is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁵ The Florida Supreme Court interprets "public records" as "any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type."⁶ A violation of the Public Records Act may result in civil or criminal liability.⁷

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(b).

³ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: The rules of procedure of each house shall further provide that all 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 formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.

⁴ Section 119.01(1), 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 of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992). The Legislature's records are public pursuant to s. 11.0431, F.S.

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are penalties for violations of those laws.

Section 286.011, F.S., the “Sunshine Law,”⁸ 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.⁹

The Legislature may, by a two-thirds vote of the House and the Senate,¹⁰ create an exemption to public records or open meetings requirements.¹¹ An exemption must explicitly state the public necessity of the exemption¹² and must be tailored to accomplish the stated purpose of the law.¹³ A statutory exemption which does not meet these two criteria may be found unconstitutional, and efforts may not be made by the court to preserve the exemption.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of public records and public meeting exemptions, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (act).

The act prescribes a legislative review process for newly created or substantially amended public records and open meetings exemptions.¹⁵ The act 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.¹⁶ In practice, many exemptions are continued by repeal of the sunset date rather than reenactment of the exemption.

⁸ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

⁹ 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, s. 4(e) of the Florida Constitution, provides 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.

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ 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).

¹² FLA. CONST., art. I, s. 24(c).

¹³ FLA. CONST., art. I, s. 24(c).

¹⁴ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. In *Baker County Press*, the court found that since the law did not contain a public necessity statement, it was unconstitutional.

¹⁵ Sections 286.0111 and 119.15, F.S. Section 286.0111, F.S., provides that the act’s provisions found in s. 119.15, F.S., apply to s. 286.011, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered substantially amended if it is expanded to include more information or to include meetings. The act 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 s. 119.15(2), F.S. While the OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one Legislature cannot bind a future Legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

Under the act, the purpose and necessity of reenacting the exemption are reviewed. The Legislature must consider the following specific questions in such a review:¹⁷

- 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?

The OGSR Act 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.¹⁸ 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;¹⁹
- 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;²⁰ or
- It protects trade or business secrets.²¹

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.²²

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²³ 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.²⁴

The Department of Agriculture and Consumer Services

The Department of Agriculture and Consumer Services (DACS) safeguards the public from unsafe or defective products and deceptive business practices. The Division of Consumer Services within the DACS regulates specific business activities, including commercial weight loss practices, telephone solicitations, pawnshops, health studios, sellers of travel, and telemarketing.²⁵

¹⁷ Section 119.15(6)(a), F.S.

¹⁸ Section 119.15(6)(b), F.S.

¹⁹ Section 119.15(6)(b)1., F.S.

²⁰ Section 119.15(6)(b)2., F.S.

²¹ Section 119.15(6)(b)3., F.S.

²² Section 119.15(6)(b), F.S.

²³ FLA. CONST., art. I, s. 24(c).

²⁴ Section 119.15(7), F.S.

²⁵ See <http://www.freshfromflorida.com/Divisions-Offices/Consumer-Services>, (last visited Jan. 22, 2016.)

The DACS investigates and regulates several professions in Florida. Most recently the DACS's oversight and regulation of charitable organizations was significantly expanded to include oversight of charitable organizations and sponsors, professional fundraising consultants, and professional solicitors.²⁶

Florida's public record laws currently make any information obtained by the DACS in administrative and civil investigations open to the public. According to the DACS, this presents a hurdle to partnering with other state and federal agencies, such as the Federal Trade Commission (FTC) or Internal Revenue Service (IRS), because the DACS cannot maintain the same level of privacy adopted and required by those federal and other state agencies.²⁷ As a result, investigations by the DACS are hindered because it is often unable to gather pertinent information from, enter into confidentiality agreements with, or participate in multi-jurisdiction task forces with other state and federal agencies.

The FTC operates a Consumer Sentinel database that is protected from public record disclosure. Information from this database can only be provided to a state agency that agrees not to disseminate the information.²⁸ This database contains information on subjects relating to:

- Identity Theft,
- Do-Not-Call Registry Violations,
- Computers, the Internet, and Online Auctions,
- Telemarketing Scams,
- Advance-fee loans and credit scams,
- Immigration Services,
- Sweepstakes, Lotteries, and Prizes,
- Business Opportunities and Work-at-home Schemes,
- Health and Weight Loss Products, and
- Debt Collection, Credit Reports, and Financial Matters.

Additionally, the Internal Revenue Service (IRS) has expressed a willingness to share information on a case-by-case basis should the DACS be able to prevent disclosure of the information beyond the DACS.²⁹ The IRS has access to tax filing information that might be valuable to the DACS when investigating whether an organization is compliant with Florida law.

III. Effect of Proposed Changes:

Section 1 creates s. 570.077, F.S., to make certain information received from another state or federal regulatory, administrative, or criminal justice agency confidential and exempt from public inspection and copying requirements.

²⁶ See ch. 2014-122, L.O.F.

²⁷ Florida Department of Agriculture and Consumer Services, *SB 754 Agency Analysis*, (November 12, 2015) (on file with the Senate Committee on Commerce and Tourism).

²⁸ *Id.* See also, Federal Trade Commission, *Consumer Sentinel Network*, available at: <https://www.ftc.gov/enforcement/consumer-sentinel-network>, (last visited Jan. 22, 2016).

²⁹ *Id.*

Specifically, the bill makes confidential and exempt criminal or civil intelligence or investigative information provided to the DACS by another state or federal agency as part of a joint or multiagency examination or investigation if the information is confidential or exempt under the regulations or laws of the state or federal agency that provides the information. The DACS will be able to obtain, use, and release the information that is confidential or exempt under the laws or regulations of the state or federal source in accordance with conditions imposed by agreements the DACS enters into with the other state or governmental entity.

This bill further provides that the DACS may release confidential and exempt information in furtherance of its official duties and may release the information to another governmental agency in furtherance of that agency's official duties.

With this public records exemption DACS will be able to receive intelligence information that is confidential or exempt under a state or federal agency's laws or regulations and maintain it as such in the DACS investigative file. This will allow the DACS to receive and hold data that would otherwise be withheld by state or federal agencies with less open public records laws. This change is intended to strengthen relations between the DACS and other state and federal agencies that will be able to share confidential investigatory information with the DACS.

Currently, most investigative information held by the DACS is a public record, open to inspection and copying. This exemption will continue to maintain information that is obtained or developed by the DACS as part of an independent examination or investigation as a public record. Additionally, information given to the DACS by another federal or state agency that is not confidential or exempt under the source government's laws will be considered a public record.

Section 2 of the bill provides a public necessity statement, as required by the Florida Constitution. The public necessity statement explains that the DACS is currently excluded from sources of information because DACS lacks the authority to maintain confidentiality of the information it receives. The public necessity statement provides that this exemption is necessary for the DACS to be able to perform its regulatory duties more efficiently.

The bill's exemption will expire on October 2, 2021, pursuant to the OGSR Act, unless saved by the Legislature through reenactment.

Section 3 provides that this bill goes into effect on the same date as CS/SB 772 or similar legislation takes effect if such legislation is adopted in the same legislative session.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 24(c) of Article I of the Florida Constitution, requires a two-thirds vote of the members present and voting for passage of a newly created or expanded public-records or public-meetings exemption. Therefore, this bill requires a two-thirds vote for passage.

Public Necessity Statement

Section 24(c) of Article I of the Florida Constitution, requires a public necessity statement for a newly created or expanded public-records or public-meetings exemption. The Constitution provides that an exemption must state with specificity the public necessity of the exemption. The bill appears to articulate the public policy necessitating the public records exemption with sufficient specificity.

Breadth of Exemption

Section 24(c) of Article I of the Florida Constitution, requires a public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill is no broader than necessary to accomplish the public policy purposes outlined in the public necessity statement.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The DACS may prove more efficient and therefore more effective in its investigations relating to regulated businesses and organizations. As a result, consumers harmed may see more timely results.

C. Government Sector Impact:

The fiscal impact is indeterminate, but likely minimal. The DACS will be required to train agency staff to exclude relevant information from public disclosure.

The bill may enable the DACS to obtain relevant information, leads, witness data, and victim data relating to unlicensed activity or violations committed by licensees more quickly. This may result in more efficient and less costly execution of the DACS' regulatory duties and may reduce the need for duplicative independent investigations or examinations. Participation in the FTC's Sentinel database is free to law enforcement agencies, including the DACS.

The DACS states that this provision will likely increase coordination between the DACS and various state and federal agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

CS/SB 772 and CS/SB 754 do not appear to be directly related to each other. CS/SB 754 exempts from public records certain types of investigatory information, while CS/SB 772 amends regulatory authority and duties in a manner that does not appear to require any change to public records laws.

After the 2015 Legislative session, Governor Rick Scott vetoed the same legislation (CS/CS/HB 997) because the linked bill (CS/CS/CS/HB 995) did not pass.³⁰

VIII. Statutes Affected:

The bill creates section 570.077 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 Commerce and Tourism on January 25, 2016:

Technical amendment to insert the bill number of the linked bill (CS/SB 772), the passage of which the effective date of CS/SB 754 is contingent.

- B. **Amendments:**

None.

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

³⁰ Letter from Governor Rick Scott to Secretary of State Kenneth W. Detzner, Dated June 16, 2015.
<http://www.flgov.com/wp-content/uploads/2015/06/Transmittal-Letter-6.16.15-HB-997.pdf>, (last visited February 4, 2016.)

By the Committee on Commerce and Tourism; and Senator Richter

577-02536-16

2016754c1

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 570.077, F.S.; providing an exemption from public
 4 records requirements for criminal or civil
 5 intelligence or investigative information or any other
 6 information held by the Department of Agriculture and
 7 Consumer Services as part of an examination or
 8 investigation with another state or federal
 9 regulatory, administrative, or criminal justice
 10 agency; providing exceptions to the exemption;
 11 providing applicability; providing for future
 12 legislative review and repeal of the exemption;
 13 providing a statement of public necessity; providing a
 14 contingent effective date.

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

17 Section 1. Section 570.077, Florida Statutes, is created to
 18 read:

19 570.077 Confidentiality of intelligence or investigative
 20 information.—

21 (1) Criminal or civil intelligence or investigative
 22 information or any other information held by the department as
 23 part of a joint or multiagency examination or investigation with
 24 another state or federal regulatory, administrative, or criminal
 25 justice agency which is confidential or exempt under the laws or
 26 regulations of that state or federal agency is confidential and
 27 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 28 Constitution. The department may obtain, use, and release the
 29 information in accordance with the conditions imposed by the
 30 joint or multiagency agreement.

31 (2) The department may release information that is made
 32

Page 1 of 3

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577-02536-16

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33 confidential and exempt under subsection (1):

34 (a) In the furtherance of its official duties and
 35 responsibilities.

36 (b) To another governmental agency in the furtherance of
 37 its official duties and responsibilities.

38 (3) The public records exemption provided in subsection (1)
 39 does not apply to information held by the department as part of
 40 an independent examination or investigation conducted by the
 41 department.

42 (4) This section is subject to the Open Government Sunset
 43 Review Act in accordance with s. 119.15 and shall stand repealed
 44 on October 2, 2021, unless reviewed and saved from repeal
 45 through reenactment by the Legislature.

46 Section 2. The Legislature finds that it is a public
 47 necessity that criminal or civil intelligence or investigative
 48 information or any other information held by the Department of
 49 Agriculture and Consumer Services as part of a joint or
 50 multiagency examination or investigation with another state or
 51 federal regulatory, administrative, or criminal justice agency
 52 which is confidential or exempt under the laws or regulations of
 53 that state or federal agency be made confidential and exempt
 54 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
 55 the State Constitution. Without the exemption, the department
 56 will be unable to obtain information that could assist it in
 57 pursuing violations of law under its jurisdiction. With this
 58 exemption, the department should increase efficiency of
 59 investigations by saving time on developing investigative leads,
 60 witness data, and victim data. Furthermore, the exemption is
 61 necessary to enable the department to participate in joint or

Page 2 of 3

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62 multiagency investigations and examinations. Without the
63 exemption, the department would continue to be excluded from
64 information due to the inability to maintain investigative
65 confidentiality. Without the sharing and coordination of
66 information, governmental agencies may be required to conduct
67 duplicative independent investigations or examinations in order
68 to meet their regulatory responsibilities. With this exemption,
69 the department will strengthen relationships with other state
70 and federal agencies, allowing them to become more efficient by
71 sharing critical investigative data.

72 Section 3. This act shall take effect upon becoming a law
73 if SB 772 or similar legislation is adopted in the same
74 legislative session or an extension thereof and becomes a law.



The Florida Senate

Committee Agenda Request

To: Senator David Simmons, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 10, 2016

I respectfully request that **Senate Bill #754**, relating to Public Records/Department of Agriculture and Consumer Services Criminal or Civil Intelligence or Investigative Information , be placed on the:

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

A handwritten signature in cursive script, appearing to read "Garrett Richter".

Senator Garrett Richter
Florida Senate, District 23

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/2016

Meeting Date

754

Bill Number (if applicable)

Topic Public Records

Amendment Barcode (if applicable)

Name Grace Lovett

Job Title Dir. Legislative Affairs

Address PL 10 The Capitol

Phone 850 617 7700

Street

Tallahassee FL 32399

Email

City

State

Zip

Speaking: For Against Information

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

Representing FL Dept. of Agriculture & Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 1288

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Richter

SUBJECT: Emergency Management

DATE: February 16, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Cochran</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
3.	<u>Sanders</u>	<u>Phelps</u>	<u>RC</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1288 defines the term “activate” to mean the execution and implementation of the necessary plans and activities required to mitigate, respond to, or recover from an emergency or disaster pursuant to ch. 252, F.S., and the State Comprehensive Emergency Management Plan.

II. Present Situation:

Florida Division of Emergency Management

Florida’s Division of Emergency Management (FDEM) administers programs to rapidly apply all available aid to impacted communities stricken by emergency.¹ The FDEM is responsible for maintaining a comprehensive statewide program of emergency management to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts. In doing so, the FDEM coordinates efforts with and among the federal government, other state agencies, local governments, school boards, and private agencies that have a role in emergency management.²

¹ Section 14.2016, F.S.

² Section 252.35(1), F.S.

The State Comprehensive Emergency Management Plan

The FDEM is required by s. 252.35, F.S., to prepare a State Comprehensive Emergency Management Plan (CEMP) to be integrated into and coordinated with the emergency management plans and programs of the federal government. The CEMP must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters.³ The CEMP designates the State Emergency Operations Center (SEOC) as the permanent location in which the State Emergency Response Team (SERT) carries out the coordination and completion of response and recovery activities.⁴ The SERT is comprised of FDEM staff, other state agencies, and private volunteer organizations and non-governmental agencies and serves as the primary operational mechanism through which state assistance to local governments is managed. Members of the SERT are organized into sections, branches, and Emergency Support Functions (ESF).⁵

The CEMP states that the SEOC will be activated at a level necessary to effectively monitor or respond to threats or emergency situations. The SEOC operates 24 hours a day, 7 days a week, but the level of staffing varies with the activation level.⁶ There are three levels of activation:

- Level 3: Normal conditions.
- Level 2: The SERT is activated, but may not require activation of every section, branch, or ESF.
- Level 1: The SERT has activated all sections, branches, and ESFs to conduct response and recovery operations.⁷

The SEOC maintains at a Level 3 activation at all times.

Emergency Management Powers of the Governor

The Governor is responsible for meeting the dangers presented to this state and its people by emergencies.⁸ In the event of an emergency beyond local control, the Governor, or his or her designee, may assume direct operational control over all or any part of the emergency management functions within this state.⁹ As part of the Governor's power, he or she may by executive order or proclamation declare a state of emergency. A state of emergency has the force and effect of law and assists in the management of an emergency by activating the emergency mitigation, response, and recovery aspects of the state, local, and interjurisdictional emergency management plans applicable to the political subdivision or area in question.¹⁰ A state of emergency may be declared if the Governor finds that an emergency has occurred or is imminent.

³ Section 252.35(2)(a), F.S.

⁴ Florida Division of Emergency Management, *Comprehensive Emergency Management Plan* (Feb. 2014), available at <http://floridadisaster.org/cemp.htm> (last visited February 4, 2016).

⁵ *Id.* at 5.

⁶ *Id.* at 30.

⁷ *Id.* at 31.

⁸ Section 252.36(1)(a), F.S.

⁹ *Id.*

¹⁰ Section 252.36, F.S.

The Federal Declaration Process

The Robert T. Stafford Disaster Relief and Emergency Assistance Act¹¹ states in part that all requests for an emergency or major disaster declaration by the President shall be made by the Governor of the affected state.¹²

The Governor must provide to the Federal Emergency Management Agency (FEMA) in its request for an emergency declaration the following information:

- Findings that the situation is of such severity and magnitude that effective response is beyond the capability of the state and the affected local government(s) and that federal emergency assistance is needed to save lives and to protect property, public health and safety, or to lessen or avert the threat of a disaster;
- Confirmation that the Governor has taken appropriate action under state law and directed the execution of the state emergency plan;
- A description of the state and local government efforts and resources utilized to alleviate the emergency;
- A description of other federal agency efforts and resources utilized in response to the emergency; and
- A description of the type and extent of additional federal assistance required.¹³

The Governor must provide to FEMA in its request for a major disaster declaration the following information:

- Findings that the situation is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments and that federal assistance is necessary to supplement the efforts and available resources of the state, local governments, disaster relief organizations, and compensation by insurance for disaster-related losses;
- Confirmation that the Governor has taken appropriate action under state law and directed the execution of the state emergency plan;
- An estimate of the amount and severity of damages and losses stating the impact of the disaster on the public and private sector;
- A description of the state and local government efforts and resources utilized to alleviate the disaster;
- Preliminary assessments of the types and amount of Stafford Act assistance needed; and
- Certification by the Governor that state and local governments will comply with all applicable cost sharing requirements of the Stafford Act.¹⁴

Upon receipt of the request, FEMA will evaluate the information and provide a recommendation to the President on whether to issue an emergency declaration, major disaster declaration, or deny the state's request. Should a request from the state be denied or modified the Governor has one opportunity and 30 days to appeal the President's decision.¹⁵

¹¹ 42 U.S.C. 5121 et seq.

¹² Federal Emergency Management Agency, *Declaration Process Fact Sheet* (Nov. 13, 2015), available at <https://www.fema.gov/declaration-process-fact-sheet> (last visited February 4, 2016).

¹³ 44 C.F.R. s. 206.35.

¹⁴ 44 C.F.R. s. 206.36.

¹⁵ 44 C.F.R. s. 206.40.

According to the FDEM, FEMA has in the past also considered the activation level of the SEOC in its recommendation to the President in addition to the criteria listed above. During the 2013 July Panhandle Flooding and 2015 Central Florida Flooding events FEMA claimed that there was insufficient evidence to prove that the SEOC remains activated at all times, despite maintaining a Level 3 activation. FEMA denied Florida's request for a major disaster declaration for both of the flooding events in 2013 and 2015. However, Florida later won an appeal to FEMA in 2013 and was granted a major disaster declaration for the 2013 Panhandle Flooding event.¹⁶

III. Effect of Proposed Changes:

CS/SB 1288 amends s. 252.34, F.S., to define the term "activate" to mean the execution and implementation of the necessary plans and activities required to mitigate, respond to, or recover from an emergency or disaster pursuant to ch. 252, F.S., and the State Comprehensive Emergency Management Plan.

The bill also updates cross-references in ss. 163.360, 474.2125, and 627.659, F.S., to conform to the bill.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹⁶ Senate Military and Veterans Affairs, Space, and Domestic Security Committee staff telephone conversation with Julie Roberts, External Affairs Director, Florida Division of Emergency Management (Jan. 22, 2016).

C. Government Sector Impact:

None

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 252.34, 163.360, 474.2125, and 627.659.

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 Military and Veterans Affairs, Space, and Domestic Security on January 26, 2016:

Modifies the definition of the term “activate” to clarify that a state of emergency or disaster declaration is not required in order to execute the state’s emergency plans.

B. Amendments:

None.



958302

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/17/2016	.	
	.	
	.	
	.	

The Committee on Rules (Richter) recommended the following:

Senate Amendment (with title amendment)

Between lines 18 and 19
insert:

Section 2. Subsections (3) and (4) are added to section
252.35, Florida Statutes, to read:

252.35 Emergency management powers; Division of Emergency
Management.—

(3) Beginning January 1, 2017, local building officials
shall submit to the division a copy of each elevation
certificate in their possession and shall subsequently submit



958302

12 copies of elevation certificates within 30 days after receiving
13 such certificates from a surveyor and mapper pursuant to s.
14 472.0366(2).

15 (4) The division may contract with a third party to store
16 elevation certificates received pursuant to s. 472.0366. The
17 division may also contract with a third party to maintain a
18 centralized database allowing the public to access elevation
19 certificates and the data contained in the certificates.

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

22 And the title is amended as follows:

23 Delete line 4

24 and insert:

25 purposes of part I of ch. 252, F.S.; amending s.
26 252.35, F.S.; requiring local floodplain managers and
27 floodplain administrators to submit elevation
28 certificates to the Division of Emergency Management
29 beginning on a specified date and within a specified
30 time period after receipt; authorizing the division to
31 contract with third parties to store specified
32 elevation certificates and maintain a certain
33 database; amending ss.

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

583-02601-16

20161288c1

A bill to be entitled

An act relating to emergency management; amending s. 252.34, F.S.; defining the term "activate" for purposes of part I of ch. 252, F.S.; amending ss. 163.360, 474.2125, and 627.659, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Present subsections (1) through (9) of section 252.34, Florida Statutes, are renumbered as subsections (2) through (10), respectively, and a new subsection (1) is added to that section, to read:

252.34 Definitions.—As used in this part, the term:

(1) "Activate" means the execution and implementation of the necessary plans and activities required to mitigate, respond to, or recover from an emergency or disaster pursuant to this chapter and the state comprehensive emergency management plan.

Section 2. Subsection (10) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

(10) Notwithstanding any other provisions of this part, when the governing body certifies that an area is in need of redevelopment or rehabilitation as a result of an emergency under s. 252.34(4) ~~s. 252.34(3)~~, with respect to which the Governor has certified the need for emergency assistance under federal law, that area may be certified as a "blighted area," and the governing body may approve a community redevelopment plan and community redevelopment with respect to such area without regard to the provisions of this section requiring a general plan for the county or municipality and a public hearing

583-02601-16

20161288c1

on the community redevelopment.

Section 3. Subsection (1) of section 474.2125, Florida Statutes, is amended to read:

474.2125 Temporary license.—

(1) The board shall adopt rules providing for the issuance of a temporary license to a licensed veterinarian of another state for the purpose of enabling her or him to provide veterinary medical services in this state for the animals of a specific owner or, as may be needed in an emergency as defined in s. 252.34(4) ~~s. 252.34(3)~~, for the animals of multiple owners, provided the applicant would qualify for licensure by endorsement under s. 474.217. No temporary license shall be valid for more than 30 days after its issuance, and no license shall cover more than the treatment of the animals of one owner except in an emergency as defined in s. 252.34(4) ~~s. 252.34(3)~~. After the expiration of 30 days, a new license is required.

Section 4. Subsection (4) of section 627.659, Florida Statutes, is amended to read:

627.659 Blanket health insurance; eligible groups.—Blanket health insurance is that form of health insurance which covers special groups of individuals as enumerated in one of the following subsections:

(4) Under a policy or contract issued in the name of a volunteer fire department, first aid group, local emergency management agency as defined in s. 252.34(6) ~~s. 252.34(5)~~, or other group of first responders as defined in s. 112.1815, which is deemed the policyholder, covering all or any grouping of the members or employees of the policyholder or covering all or any participants in an activity or operation sponsored or supervised

583-02601-16

20161288c1

61 by the policyholder.

62 Section 5. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

✓
COMMITTEES:
Ethics and Elections, *Chair*
Banking and Insurance, *Vice Chair*
Appropriations
Appropriations Subcommittee on Health
and Human Services
Commerce and Tourism
Regulated Industries
Rules

SENATOR GARRETT RICHTER

President Pro Tempore
23rd District

February 10, 2016

The Honorable David Simmons, Chair
Committee on Rules
402 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Simmons:

CS/Senate Bill 1288, relating to Emergency Management, has been referred to the Committee on Rules. I would appreciate the placing of this bill on the committee's agenda at your earliest convenience.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Richter".

Garrett Richter

cc: John Phelps, Staff Director

REPLY TO:

- 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023
- 25 Homestead Road North, Suite 42 B, Lehigh Acres, Florida 33936 (239) 338-2777

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 1386

INTRODUCER: Rules Committee, Banking and Insurance Committee and Senator Richter

SUBJECT: Insurance Agents

DATE: February 18, 2016

REVISED: 2/22/16

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matiyow</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Little</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
3.	<u>Matiyow</u>	<u>Phelps</u>	<u>RC</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1386 increases the allowable amount of coverage for insurance policies related to funeral expenses to \$21,000, plus an annual increase based on the CPI, beginning with the 2016 CPI. Licensed insurance agents are currently authorized to sell insurance policies for the coverage of funeral related expenses, as long as the policies do not exceed \$12,500, plus an annual percentage increase based on the Annual Consumer Price Index (CPI) compiled by the United States Department of Labor for the year 2003.

The bill also allows health insurance agents to contract for service fees on individual health plans while rebating to the insured any commissions paid by an insurer to the agent.

The bill is effective upon becoming law.

II. Present Situation:

Health Insurance

Currently s. 626.593, F.S., allows health insurance agents providing services on a group plan to contract with the insured for an additional service fee above the commission allowed under Chapter 627. If a contract for additional fee or compensation is agreed to then the agent must rebate to the insured any commissions paid by an insurer to the agent.

Life Insurance

In Florida, the Florida Funeral, Cemetery, and Consumer Services Act (act) protects death care industry consumers purchasing burial related services, merchandise, and preneed burial rights.¹ Burial services are those “offered or provided in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains or cremated remains.”² Burial merchandise includes personal property sold in connection with the burial such as caskets, urns, monuments, floral arrangements, acknowledgement cards, and register books.³

Consumers are able to make arrangements for burial services and merchandise through a preneed contract.⁴ The act requires funeral establishments, cemetery companies, direct disposal establishments, and monument establishments, and their agents, to obtain a valid preneed license prior to providing services pursuant to a preneed contract.⁵ Preneed contracts detail the goods and services to be provided, the costs of the services, and the funding method of the services. A preneed contract must be secured by one of three methods: 1) a trust account; 2) a letter of credit; or 3) an individual insurance policy.

The sales of individual insurance policies obtained to secure preneed contracts are regulated under ch. 626, F.S. Licensed insurance agents are authorized to sell policies of insurance to cover the expenses of final disposition or burial of an insured.⁶ A funeral director, direct disposer, or an employee of a funeral establishment may also obtain an insurance agent license for the limited purpose of selling life insurance policies in conjunction with the prearrangement of funeral services or merchandise.⁷

Current law authorizes such licensed insurance agents to sell insurance policies for the coverage of burial related expenses, as long as the policies do not exceed \$12,500 per person, plus an annual percentage increase based on the Annual Consumer Price Index (CPI) compiled by the United States Department of Labor for the year 2003.⁸ When taking into account the consumer price index from 2003 through 2015, the current cap for an insurance policy covering a preneed contract would be approximately \$16,000. It is unclear whether a formal mechanism exists by which the Office of Insurance Regulation monitors any CPI increase to the cap. The relevant administrative rule refers back to s. 626.785, F.S., and does not specify a CPI-indexed amount.⁹

III. Effect of Proposed Changes:

Section 1 amends s. 626.593, F.S., to allow health insurance agents providing services on an individual health plan to contract with the insured for an additional service fee above the

¹ See ch. 497, F.S.

² Section 497.005(8), F.S.

³ Section 497.005(6), F.S.

⁴ A preneed contract refers to “any arrangement or method of which the provider of funeral merchandise or services has actual knowledge, whereby any person agrees to furnish funeral merchandise or service in the future.” Section 497.005(56), F.S.

⁵ Section 497.52, F.S.

⁶ Section 626.785(1)(d), F.S.

⁷ Section 626.785(3), F.S.

⁸ Section 626.785(3), F.S.

⁹ See Rule 69O-148.001, F.A.C.

commission allowed under Chapter 627. If a contract for additional fee or compensation is agreed to then the agent must rebate to the insured any commissions paid by an insurer to the agent.

Section 2 amends s. 626.785, F.S., to increase the allowable amount of coverage an insurance agent is able to sell for insurance policies covering burial related expenses. The bill increases the policy coverage maximum to \$21,000, plus an annual increase based on the CPI, beginning with the 2016 CPI. The bill will allow individuals, securing preneed contracts by means of insurance policies, to obtain a greater amount of coverage for burial services and merchandise.

Section 3 provides that the bill is effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Health insurance agents will be allowed to contract for a services fee on individual health plans.

Individuals securing preneed contracts by means of insurance policies will be able to cover greater costs of burial services and merchandise.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 626.785 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/CS by Rules on February 17, 2016:

- Amends s. 626.593, F.S., to apply to individual and group health plans.

CS by Banking and Insurance on January 26, 2016:

- Replaces the limit of \$22,500 with \$21,000 and also includes this new limit in subsection (1)(d).
- Changes the CPI date from 2003 to 2016.

- B. **Amendments:**

None.



363322

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2016	.	
	.	
	.	
	.	

The Committee on Rules (Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Before line 12
insert:

Section 1. Subsection (1) of section 626.593, Florida
Statutes, is amended to read:

626.593 Insurance agent; written contract for
compensation.—

(1) No person licensed as an insurance agent may receive
any fee or commission or any other thing of value in addition to
the rates filed pursuant to chapter 627 for examining any ~~group~~



363322

12 health insurance or any ~~group~~ health benefit plan for the
13 purpose of giving or offering advice, counsel, recommendation,
14 or information in respect to terms, conditions, benefits,
15 coverage, or premium of any such policy or contract unless such
16 compensation is based upon a written contract signed by the
17 party to be charged and specifying or clearly defining the
18 amount or extent of such compensation and informing the party to
19 be charged that any commission received from an insurer will be
20 rebated to the party in accordance with subsection (3). In
21 addition, all compensation to be paid to the insurance agent
22 must be disclosed in the contract.

23

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

25 And the title is amended as follows:

26 Delete line 2

27 and insert:

28 An act relating to insurance agents; amending s.
29 626.593, F.S.; revising a prohibition against a
30 licensed insurance agent from receiving a specified
31 fee or commission for examining any health insurance
32 or any health benefit plan, rather than any group
33 health insurance or any group health benefit plan, for
34 certain purposes; amending s. 626.785,

By the Committee on Banking and Insurance; and Senator Richter

597-02616-16

20161386c1

1 A bill to be entitled
 2 An act relating to life insurers; amending s. 626.785,
 3 F.S.; revising amounts of coverage of certain life
 4 insurance policies that may be sold by specified
 5 persons; revising the version of the Annual Consumer
 6 Price Index used as a basis for calculating certain
 7 annual percentage increases in specified policies;
 8 providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraph (d) of subsection (1) and subsection
 13 (3) of section 626.785, Florida Statutes, are amended to read:

14 626.785 Qualifications for license.—

15 (1) The department shall not grant or issue a license as
 16 life agent to any individual found by it to be untrustworthy or
 17 incompetent, or who does not meet the following qualifications:

18 (d) Must not be a funeral director or direct disposer, or
 19 an employee or representative thereof, or have an office in, or
 20 in connection with, a funeral establishment, except that a
 21 funeral establishment may contract with a life insurance agent
 22 to sell a preneed contract as defined in s. 497.005.

23 Notwithstanding other provisions of this chapter, such insurance
 24 agent may sell limited policies of insurance covering the
 25 expense of final disposition or burial of an insured in the
 26 amount of \$21,000 ~~\$12,500~~, plus an annual percentage increase
 27 based on the Annual Consumer Price Index compiled by the United
 28 States Department of Labor, beginning with the Annual Consumer
 29 Price Index announced by the United States Department of Labor
 30 for the year 2016 ~~2003~~.

31 (3) Notwithstanding any other provisions of this chapter, a
 32 funeral director, a direct disposer, or an employee of a funeral

Page 1 of 2

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

597-02616-16

20161386c1

33 establishment that holds a certificate of authority pursuant to
 34 s. 497.452 may obtain an agent's license to sell only policies
 35 of life insurance covering the expense of a prearrangement for
 36 funeral services or merchandise so as to provide funds at the
 37 time the services and merchandise are needed. The face amount of
 38 insurance covered by any such policy shall not exceed \$21,000
 39 ~~\$12,500~~, plus an annual percentage increase based on the Annual
 40 Consumer Price Index compiled by the United States Department of
 41 Labor, beginning with the Annual Consumer Price Index announced
 42 by the United States Department of Labor for 2016 ~~2003~~.

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

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

✓
COMMITTEES:
Ethics and Elections, *Chair*
Banking and Insurance, *Vice Chair*
Appropriations
Appropriations Subcommittee on Health
and Human Services
Commerce and Tourism
Regulated Industries
Rules

SENATOR GARRETT RICHTER

President Pro Tempore
23rd District

February 9, 2016

The Honorable David Simmons, Chair
Committee on Rules
402 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Simmons:

CS/Senate Bill 1386, relating to Life Insurers, has been referred to the Committee on Rules. I would appreciate the placing of this bill on the committee's agenda at your earliest convenience.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Richter".

Garrett Richter

cc: John Phelps, Staff Director

REPLY TO:

- 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023
- 25 Homestead Road North, Suite 42 B, Lehigh Acres, Florida 33936 (239) 338-2777

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

SB 1386
Bill Number (if applicable)

363322
Amendment Barcode (if applicable)

Topic Life Insurers

Name Laura Pearce

Job Title VP + General Counsel

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 Insurance Agents

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/12/2016

Meeting Date

CS/SB 1386

Bill Number (if applicable)

363322

Amendment Barcode (if applicable)

Topic Insurance Agents

Name Rhett O'Donk

Job Title

Address 115 E Park Ave

Street

Phone 850 727 5000

Tallahassee

FL

32311

Email rhett.podvany@csny.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against

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

Representing FL Association of Health Underwriters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/2015

Meeting Date

1386

Bill Number (if applicable)

363322

Amendment Barcode (if applicable)

Topic _____

Name STEVE BURGESS

Job Title _____

Address COLLEGE AVE

Street

Phone 425-4000

TALL. FL.

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against

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

Representing NATIONAL ASSOCIATION OF INSURANCE FINANCIAL ADVISORS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 1110

INTRODUCER: Senator Simmons

SUBJECT: Central Florida Expressway Authority

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Eichin</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>Sneed</u>	<u>Miller</u>	<u>ATD</u>	<u>Recommend: Favorable</u>
3.	<u>Price</u>	<u>Phelps</u>	<u>RC</u>	<u>Favorable</u>

I. Summary:

SB 1110 addresses issues relating to the Central Florida Expressway Authority (CFX). The bill clarifies that members of CFX's governing body from Seminole, Lake, and Osceola Counties must be a county commission member or chair, or a county mayor from the respective counties. Governor-appointed citizen members, who must be residents of either Orange, Seminole, Lake, or Osceola County, are made subject to Senate confirmation, and refusal or failure to confirm creates a vacancy. The bill provides that the 4-year term of Governor-appointed members ends on December 31 of the last year of service. The bill also removes the requirement that the CFX board elect a governing body member as secretary.

SB 1110 also clarifies that CFX is a party to a 1985 lease-purchase agreement between the former Orlando-Orange County Expressway Authority (OOCEA) and the Florida Department of Transportation (FDOT), and repeals superseded language requiring that title to the former Orlando-Orange County Expressway System be transferred to the state under certain conditions.

The bill has no apparent fiscal impact on state or local governments.

The bill takes effect July 1, 2016.

II. Present Situation:

Historical Background of the Orlando-Orange County Expressway Authority

The OOCEA was created by the Legislature in 1963 for the purpose of construction and operation of an expressway road system in Central Florida.¹ The OOCEA was granted the power to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards in Orange County, as well as in any consenting county within whose jurisdiction the

¹ See ch. 348, part II, F.S. (2013).

activities occurred. The OOCEA was also authorized to issue toll revenue bonds to help finance the project.²

Lease-Purchase Agreement

The OOCEA System was operated pursuant to a lease-purchase agreement.³ Under the lease-purchase agreement the FDOT, as lessee, agreed to pay the operation and maintenance costs of the associated toll facility.⁴ Upon completion of the lease-purchase agreement, ownership of the facility was to be transferred to the state and the FDOT would retain all revenues collected, as well as the responsibility of operating and maintaining the transferred system.⁵ Lease-purchase agreements benefit an expressway authority by delaying when the expressway authority (lessor) is responsible for paying for the financial obligations of operating and maintaining the system.⁶

The lease-purchase agreement was statutorily required to provide that upon termination of the agreement, title to the expressway system must be transferred to the state.⁷ The most recent supplemented and extended lease-purchase agreement was to remain in effect until all bonds and any refunding bonds were fully paid and the FDOT was reimbursed for all amounts owed to it under the agreement. The OOCEA's obligation to the FDOT as of December 31, 2015, was approximately \$173 million, with full repayment to the FDOT expected in 2025.⁸

The Wekiva Parkway

In 2012, the OOCEA and the FDOT agreed, pursuant to a Memorandum of Understanding (MOU) to jointly undertake construction of the Wekiva Parkway (Parkway), a beltway around the Metropolitan Orlando area.⁹ An Interlocal Agreement was approved in 2014 that included specific terms and conditions governing the project that are consistent with the MOU. The agreement called for the OOCEA to independently finance, build, own, and manage sections of the Parkway primarily in Orange County, and the FDOT to be responsible for the remaining portions of the Parkway in Lake and Seminole Counties.¹⁰ As part of the agreement, OOCEA agreed to repay long-term debt owed to the FDOT.

To ensure available funds for the FDOT portion of the Wekiva Parkway, the 2012 Legislature required the OOCEA to repay the FDOT for the operation and maintenance of the expressway system in accordance with the lease-purchase agreement. A repayment schedule was established

² Bonds are payable from and secured by a pledge of net toll revenues collected from the operation of the expressway system.

³ Section 348.757, F.S.

⁴ Section 348.757(6), F.S.

⁵ Section 348.757(3), F.S.

⁶ See Senate Budget Committee Bill Analysis for SB 1998, February 20, 2012, p. 7, for more detail on the lease-purchase agreement history.

⁷ Section 348.757(2), F.S.

⁸ See the FDOT email to Senate Transportation Committee staff, January 29, 2016. (On file in the Senate Transportation Committee.)

⁹ See Metroplan Orlando website, *The Wekiva Parkway Project is Preparing to Move Forward* (June 30, 2012), available at <http://www.metroplanorlando.com/news/press-releases/wekiva-parkway-project-moves-forward/>. Last visited April 3, 2015.

¹⁰ See the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal Year 2014 Report*, at p. 5, available at: <http://www.ftc.state.fl.us/reports/documents.shtm>. Last visited January 19, 2016).

for the OOCEA to reimburse the FDOT for all costs of the expressway system which were paid, advanced, or reimbursed to the OOCEA by the FDOT.¹¹

The Legislature also required that upon the earlier of the defeasance, redemption, or payment in full of bonds issued before July 1, 2012, or the earlier date to which the purchasers of the bonds have consented:

- The obligations of the FDOT under the lease-purchase agreement terminate, including payment of any cost of operation, maintenance, repair, or rehabilitation of the system;
- The lease-purchase agreement terminates;
- The expressway system remains the property of the OOCEA and may not be transferred to the FDOT; and
- The OOCEA remains obligated to reimburse the FDOT according to the terms of the MOU.¹²

These provisions superseded the previously enacted statutory requirement in s. 348.757(2), F.S., that the lease-purchase agreement provide for transfer of title to the former expressway system to the state upon termination of the agreement.

The OOCEA System Transfer to the Central Florida Expressway Authority

In 2014, the Legislature re-named the OOCEA as the Central Florida Expressway Authority (CFX) and transferred governance and control, legal rights and powers, responsibilities, terms, and obligations of the former OOCEA to the CFX. The area served by the CFX was expanded to include Seminole, Lake, and Osceola Counties, in addition to Orange County.¹³

The Legislature also amended the composition and membership terms of the CFX governing body. Currently, the governing body consists of nine members:

- The chairs of the Seminole, Lake, and Osceola County Commissions appoint one member each who may be a commission member or the commission chair;
- The Mayor Orange County appoints one member from the Orange County Commission;
- The Governor appoints three members each of whom must be a citizen of either Orange, Seminole, Lake, or Osceola County;
- The eighth member must be the Orange County Mayor; and
- The ninth member must be City of Orlando Mayor.¹⁴

The executive director of the Florida Turnpike Enterprise serves as a non-voting advisor. Members hold office until a successor has been appointed and qualified.¹⁵

III. Effect of Proposed Changes:

The bill clarifies provisions relating to membership and elections of the CFX governing body. It specifies CFX as a party to a certain lease-purchase agreement and repeals superseded language, more specifically as follows:

¹¹ Chapter 2012-128, s. 36, L.O.F. See also s. 348.7546, F.S.

¹² Section 348.757(9), F.S.

¹³ Chapter 2014-171, L.O.F.

¹⁴ Section 348.753(3), F.S.

¹⁵ *Id.*

Section 1 amends s. 348.753(3), F.S., to revise requirements related to the appointments to the CFX governing body by the chairs of the County Commissions of Seminole, Lake, and Osceola Counties. Currently each of these appointees *may* be a commission member or chair. The bill provides that each of the three appointees *must* be a county commission member or chair *or a county mayor*.¹⁶ The Governor's appointees are made subject to Senate confirmation, and refusal or failure of the Senate to confirm creates a vacancy.

The bill also provides that the four-year term of each member appointed by the Governor, who currently serve four years, ends on December 31 of his or her last year of service. The CFX advises this revision is to accommodate the CFX's January officer elections.¹⁷ This section also makes editorial changes and repeals an obsolete date reference related to expiration of the terms of standing board members.

Section 2 amends s. 348.754(2)(e), F.S. to clarify that CFX is a party to a 1985 lease-purchase agreement between the former OOCEA and the FDOT.

Section 3 amends s. 348.757(2), F.S., to repeal the requirement that the title in fee simple absolute to the former OOCEA be transferred to the FDOT upon termination of the lease-purchase agreement. The language has been superseded by the repayment and transfer provisions enacted by the 2012 Legislature¹⁸ and the Interlocal Agreement between the FDOT and the CFX regarding the Wekiva Parkway.¹⁹

Section 4 provides that the bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁶ The CFX advises this change is to accommodate different forms of county government structure. *See* CFX email to Senate Transportation Committee staff, March 5, 2015. (On file with the Senate Transportation Committee.)

¹⁷ *Id.*

¹⁸ *Supra note 11.*

¹⁹ The Interlocal Agreement includes a supplement to the lease-purchase agreement that provides for the authority to retain its system upon termination of the lease purchase agreement as provided in s. 348.757(9), F.S. *See* the 2015 FDOT Legislative Bill Analysis for CS/SB 1024, March 13, 2015. (On file in the Senate Transportation Committee.)

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.²⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 348.753, 348.754, and 348.757.

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.

²⁰ See the 2016 FDOT Legislative Bill Analysis for SB 1110, December 23, 2015. (On file in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

By Senator Simmons

10-00410-16

20161110__

A bill to be entitled

An act relating to the Central Florida Expressway Authority; amending s. 348.753, F.S.; requiring the chairs of the boards of specified county commissions each to appoint one member from his or her respective county who is a commission member or chair or the county mayor to serve on the governing body of the authority; requiring Senate confirmation of members appointed to the authority by the Governor; providing that the Senate's refusal or failure to confirm a member appointed by the Governor creates a vacancy; specifying that the terms of members appointed by the Governor end on a specified date; removing the requirement that the authority elect one of its members as secretary; amending s. 348.754, F.S.; specifying that the Central Florida Expressway Authority is a party to a certain lease-purchase agreement between the Department of Transportation and the Orlando-Orange County Expressway Authority; amending s. 348.757, F.S.; removing the requirement that title in fee simple absolute to the former Orlando-Orange County Expressway System be transferred to the state upon the completion of the faithful performance and termination of a specified lease-purchase agreement; providing an effective date.

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

Section 1. Subsection (3) and paragraph (a) of subsection (4) of section 348.753, Florida Statutes, are amended to read:
 348.753 Central Florida Expressway Authority.—
 (3) The governing body of the authority shall consist of

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

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nine members. The chairs of the boards of the county commissions of Seminole, Lake, and Osceola Counties shall each appoint one member from his or her respective county, who ~~must~~ may be a commission member or chair or the county mayor. The Mayor of Orange County shall appoint a member from the Orange County Commission. Subject to confirmation by the Senate during the next regular session of the Legislature, the Governor shall appoint three citizen members, each of whom must be a resident ~~citizen~~ of either Orange County, Seminole County, Lake County, or Osceola County. Refusal or failure of the Senate to confirm an appointment shall create a vacancy. The eighth member must be the Mayor of Orange County and. The ninth member must be the Mayor of the City of Orlando shall also serve as members. The executive director of the Florida Turnpike Enterprise shall serve as a nonvoting advisor to the governing body of the authority. Each member appointed by the Governor shall serve for 4 years, with his or her term ending on December 31 of his or her last year of service. Each county-appointed member shall serve for 2 years. ~~The terms of standing board members expire June 20, 2014.~~ Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term must be filled only for the balance of the unexpired term. Each appointed member of the authority must ~~shall~~ be a person of outstanding reputation for integrity, responsibility, and business ability, but, except as provided in this subsection, a person who is an officer or employee of a municipality or county may not be an appointed member of the authority. Any member of the authority is eligible for reappointment.

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62 (4) (a) The authority shall elect one of its members as the
 63 chair of the authority, ~~The authority shall also elect one of~~
 64 its members as vice chair, ~~one of its members as secretary,~~ and
 65 one of its members as treasurer. The chair, vice chair,
 66 ~~secretary,~~ and treasurer shall hold such offices at the will of
 67 the authority. Five members of the authority constitute a
 68 quorum, and the vote of five members is required necessary for
 69 any action taken by the authority. A vacancy in the authority
 70 does not impair the right of a quorum of the authority to
 71 exercise all of the rights and perform all of the duties of the
 72 authority.

73 Section 2. Paragraph (e) of subsection (2) of section
 74 348.754, Florida Statutes, is amended to read:

75 348.754 Purposes and powers.—

76 (2) The authority may exercise all powers necessary,
 77 appurtenant, convenient, or incidental to the implementation of
 78 the stated purposes, including, but not limited to, the
 79 following rights and powers:

80 (e) To enter into and make lease-purchase agreements with
 81 the department for terms not exceeding 99 years, or until any
 82 bonds secured by a pledge of rentals pursuant to the agreement,
 83 and any refundings pursuant to the agreement, are fully paid as
 84 to both principal and interest, whichever is longer. The
 85 authority is a party to a lease-purchase agreement between the
 86 department and the Orlando-Orange County Expressway Authority
 87 dated December 23, 1985, as supplemented by a first supplement
 88 to the lease-purchase agreement dated November 25, 1986, and a
 89 second supplement to the lease-purchase agreement dated October
 90 27, 1988. The authority may not enter into other lease-purchase

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91 agreements with the department and may not amend the existing
 92 agreement in a manner that expands or increases the department's
 93 obligations unless the department determines that the agreement
 94 or amendment is necessary to permit the refunding of bonds
 95 issued before July 1, 2013.

96 Section 3. Subsection (2) of section 348.757, Florida
 97 Statutes, is amended to read:

98 348.757 Lease-purchase agreement.—

99 (2) The lease-purchase agreement must provide for the
 100 leasing of the former Orlando-Orange County Expressway System,
 101 by the authority, as lessor, to the department, as lessee, and
 102 must prescribe the term of such lease and the rentals to be
 103 paid, ~~and must provide that upon the completion of the faithful~~
 104 ~~performance and the termination of the lease-purchase agreement,~~
 105 ~~title in fee simple absolute to the former Orlando-Orange County~~
 106 ~~Expressway System as then constituted shall be transferred in~~
 107 ~~accordance with law by the authority, to the state and the~~
 108 ~~authority shall deliver to the department such deeds and~~
 109 ~~conveyances as shall be necessary or convenient to vest title in~~
 110 ~~fee simple absolute in the state.~~

111 Section 4. This act shall take effect July 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

2-17-16

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

1110

Meeting Date

Bill Number (if applicable)

Topic CENTRAL FLORIDA EXPRESSWAY

Amendment Barcode (if applicable)

Name OSCAR ANDERSON

Job Title

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 CENTRAL FLORIDA EXPRESSWAY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 1416

INTRODUCER: Governmental Oversight and Accountability Committee, Banking and Insurance Committee and Senator Simmons

SUBJECT: Public Records/Own-risk and Solvency Assessment/Corporate Governance Annual Disclosure

DATE: February 16, 2016

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Johnson	Knudson	BI	Fav/CS
2. Kim	McVaney	GO	Fav/CS
3. Johnson	Phelps	RC	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1416 creates a public records exemption to incorporate the confidentiality provisions for the Office of Insurance Regulation (OIR) to meet the National Association of Insurance Commissioners' (NAIC) accreditation standards relating to two model acts. The NAIC has adopted two new insurance model acts that provide state insurance regulators new solvency regulatory tools – the Own Risk and Solvency Assessment (ORSA) and the Corporate Governance Annual Disclosure. Effective January 1, 2018, ORSA is a NAIC accreditation standard. Both model acts require that states must keep these documents confidential. The related bill, SB 1422, implements the requirements of the model acts in the Insurance Code.

Generally, the ORSA requires certain insurers to conduct an ORSA and submit an ORSA summary report to the OIR. The Corporate Governance Annual Disclosure (Corporate Governance) Model Act and corresponding Corporate Governance Annual Disclosure Model Regulations, require insurers to disclose their corporate governance structure, procedures, and practices to the OIR on an annual basis.

The bill provides that, except for information obtained by the OIR which would otherwise be available for public inspection, the following information held by the OIR is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

- An ORSA summary report, a substantially similar ORSA report, and supporting documents submitted pursuant to s. 628.8015, F.S.
- A corporate governance annual disclosure and supporting documents submitted pursuant to s. 628.8015, F.S.

The bill states that it is a public necessity to protect such information because it contains sensitive and strategic financial information and internal practices about an insurer or insurer group.

The effective date of the bill is the same date that SB 1422 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law. The bill provides for repeal of the exemption on October 2, 2021, unless reviewed and saved from repeal by the Legislature pursuant to the Open Government Sunset Review Act.

Because the bill creates a 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:

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act. The Public Records Act states that

It is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁵ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Section 119.01(1), 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 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.”

agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁶ A violation of the Public Records Act may result in civil or criminal liability.⁷

The Legislature may create an exemption to public records requirements.⁸ An exemption must pass by a two-thirds vote of the House and the Senate.⁹ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰ A statutory exemption that does not meet these criteria may be unconstitutional and may not be judicially saved.¹¹

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹² Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹³

Regulation of Insurance

States primarily regulate insurers. The state of domicile serves as the primary regulator for insurers. Solvency regulation is designed to protect policyholders against the risk that insurers will not be able to meet their financial responsibilities. In Florida, the OIR¹⁴ is primarily responsible for monitoring the solvency of regulated insurers and examining insurers to determine compliance with applicable laws, and taking administrative action, if necessary.

The OIR is a member of the NAIC, an organization consisting of state insurance regulators. As a member of the NAIC, the OIR is required to participate in the organization’s accreditation program. The NAIC accreditation is a certification that a state regulator is complying with legal, regulatory, and organizational oversight standards. Once accredited, a member state is subject to a full accreditation review every five years. The NAIC also periodically reviews its solvency standards as set forth in its model acts, and revises accreditation requirements to adapt to evolving industry standards.

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So.2d 633, 640 (Fla. 1980).

⁷ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁸ FLA. CONST., art. I, s. 24(c).

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So.2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹² 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).

¹³ 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).

¹⁴ Section 20.121(3)(a), F.S. (2015).

Currently, Florida's Insurance Code makes "proprietary business information"¹⁵ contained in the certain documents confidential and exempt from s. 119.07(1), F.S., and section 24(a), Art. I, of the State Constitution. Actuarial opinion summary included with an insurer's annual financial statement,¹⁶ actuarial opinion of life insurance reserves,¹⁷ divestiture notice filed with the OIR,¹⁸ holding company registration statement,¹⁹ and enterprise risk report²⁰ are examples of these documents. Proprietary business information includes trade secrets, information related to competitive interests, consideration used in carrying out a merger or acquisition, information related to bids or contractual data, and internal auditing controls and internal auditor reports.²¹

Under current law, the OIR may disclose this confidential and exempt information with the written consent of the insurer, pursuant to a court order, at the request of the American Academy of Actuaries for the purpose of disciplinary proceedings, and to other governmental entities and the NAIC upon written agreement to maintain the confidential and exempt status of the information, and for the purpose of aggregating data on an industry-wide basis.²²

The NAIC has adopted two new insurance model acts that provide state insurance regulators new solvency regulatory tools – the Own Risk and Solvency Assessment (ORSA) and the Corporate Governance Annual Disclosure (CGAD). Effective January 1, 2018, ORSA is a NAIC accreditation standard. Both model acts require that states must keep these documents confidential. The related bill, SB 1422, implements the requirements of the model acts in the Insurance Code.

III. Effect of Proposed Changes:

The bill amends s. 624.4212, F.S., to provide that ORSA summary reports, substantially similar ORSA reports, corporate governance reports, and supporting documents submitted pursuant to s. 628.8015, F.S. (created by the linked bill, SB 1422), are confidential and exempt from public records disclosure.

Section 1 provides that, except for information obtained by the OIR which would otherwise be available for public inspection, the following information held by the OIR is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution:

- An ORSA summary report, a substantially similar ORSA report, and supporting documents submitted pursuant to s. 628.8015, F.S.

¹⁵ "Proprietary business information" is defined in s. 624.4212, F.S., to mean information, regardless of form or characteristics, which is owned or controlled by an insurer, or a person or affiliated person who seeks acquisition of controlling stock in a domestic insurer or controlling is intended to be treated as private in that disclosure could harm the insurer and the information has not been disclosed except pursuant to a statutory requirement, court order or a private agreement that provides that the information will not be released to the public, and the information is not otherwise readily ascertainable or publicly available by proper means by other persons from another source.

¹⁶ Section 624.424(1)(b), F.S.

¹⁷ Sections 625.121(3) and 625.1212(5)(c), F.S.

¹⁸ Section 628.461, F.S.

¹⁹ Section 628.801(1), F.S.

²⁰ Section 628.801(2), F.S.

²¹ Section 624.4212(1)(c), F.S.

²² Section 624.4212(4), F.S.

- A corporate governance annual disclosure and supporting documents submitted pursuant to s. 628.8015, F.S.

The bill replaces a reference to the “American Academy of Actuaries” with the “Actuarial Board for Counseling and Discipline” for purposes of allowing OIR to share confidential and exempt information for disciplinary proceedings.

The bill provides for repeal of the exemption on October 2, 2021, unless reviewed and saved from repeal by the Legislature pursuant to the Open Government Sunset Review Act.

Section 2 states that it is a public necessity to protect the ORSA reports and related documents because the information contains sensitive and strategic financial information and internal practices about an insurer or insurer group. Further, the bill states it is a public necessity to protect the corporate governance annual disclosure and supporting documents of an insurer or insurance group because it could compromise its competitive position by revealing the insurer’s governance structure and internal practices and procedures used to conduct its business affairs, make strategic operational decisions, and manage its financial condition. This public records exemption will enhance OFR’s ability to regulate ORSAs.

Section 3 provides that the effective date of the bill is the same date that SB 1422 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting in each house of the Legislature for passage of a new or expanded public records or public meetings exemption. Because this bill creates a new public records exemption, it requires a two-thirds vote for passage.

Public Necessity Statement

Article I, s. 24(c) of the Florida Constitution requires a public necessity statement for a new or expanded public records or public meetings exemption. The public necessity statement provides support for the exemption.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

The public records exemption will protect sensitive and strategic financial information and internal practices about an insurer or insurer group that is reported to the OIR. The existence of the public records exemption may encourage greater comprehensive disclosure to the OIR.

C. Government Sector Impact:

The legislation may encourage cooperation among state regulatory agencies in an effort to eliminate regulatory redundancies and increase efficiencies. Other states that share regulatory filings with Florida will need to confirm that Florida is able to keep these shared filings confidential. A lack of the OIR's ability to do so will compromise the OIR's ability to coordinate with other states, and potentially may increase the regulatory filings.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 624.4212 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/CS by Governmental Oversight and Accountability on February 9, 2016:**

The CS/CS incorporates references to s. 119.07(1), F.S., and Art. I, s. 24(a), of the Florida Constitution into the public necessity statement as well as enhances the public necessity statement.

CS by Banking and Insurance on January 26, 2016:

The CS narrows the public records exemption and provides a technical amendment.

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 Committees on Governmental Oversight and Accountability;
and Banking and Insurance; and Senator Simmons

585-03242-16

20161416c2

A bill to be entitled

An act relating to public records; amending s. 624.4212, F.S.; providing an exemption from public records requirements for certain reports and documents submitted to the Office of Insurance Regulation related to an own-risk and solvency assessment by an insurer or insurance group; providing an exemption from public records requirements for a corporate governance annual disclosure and supporting documents submitted to the office; revising the actuarial board to which the office may disclose certain information; providing for and revising future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Present subsections (3), (4), and (5) of section 624.4212, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, and amended, and a new subsection (3) is added to that section, to read:

624.4212 Confidentiality of proprietary business and other information.—

(3) Except for information obtained by the office which would otherwise be available for public inspection, the following information held by the office is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) An ORSA summary report, a substantially similar ORSA report, and supporting documents submitted pursuant to s. 628.8015.

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

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(b) A corporate governance annual disclosure and supporting documents submitted pursuant to s. 628.8015.

~~(4)(3)~~ Information received from the NAIC, ~~a or another~~ governmental entity in this or another state, the Federal Government, or a government of another nation which is confidential or exempt if held by that entity and which is held by the office for use in the ~~office's~~ performance of its duties relating to insurer valuation and solvency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

~~(5)(4)~~ The office may disclose information made confidential and exempt under this section:

(a) If the insurer to which it pertains gives prior written consent;

(b) Pursuant to a court order;

(c) To the Actuarial Board for Counseling and Discipline ~~American Academy of Actuaries~~ upon a request stating that the information is for the purpose of professional disciplinary proceedings and specifying procedures satisfactory to the office for preserving the confidentiality of the information;

(d) To other states, federal and international agencies, the National Association of Insurance Commissioners and its affiliates and subsidiaries, and state, federal, and international law enforcement authorities, including members of a supervisory college described in s. 628.805 if the recipient agrees in writing to maintain the confidential and exempt status of the document, material, or other information and has certified in writing its legal authority to maintain such confidentiality; or

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61 (e) For the purpose of aggregating information on an
62 industrywide basis and disclosing the information to the public
63 only if the specific identities of the insurers, or persons or
64 affiliated persons, are not revealed.

65 ~~(6)(5)~~ This section is subject to the Open Government
66 Sunset Review Act in accordance with s. 119.15 and is repealed
67 on October 2, ~~2021~~ 2019, unless reviewed and saved from repeal
68 through reenactment by the Legislature.

69 Section 2. (1) The Legislature finds that it is a public
70 necessity that the own-risk and solvency assessment (ORSA)
71 summary report, a substantially similar ORSA report, and
72 supporting documents submitted to and held by the Office of
73 Insurance Regulation pursuant to s. 628.8015, Florida Statutes,
74 be confidential and exempt from s. 119.07(1), Florida Statutes,
75 and s. 24(a), Article I of the State Constitution. In conducting
76 this required internal assessment, an insurer or insurance group
77 identifies and evaluates the material and relevant risks to the
78 insurer or insurance group and the adequacy of capital resources
79 to support these risks. The ORSA summary report, substantially
80 similar ORSA report, and supporting documents contain highly
81 sensitive and strategic financial information about an insurer
82 or insurer group. Having a comprehensive and unbiased assessment
83 will provide the office with an effective early warning
84 mechanism for preventing insolvencies and protecting
85 policyholders and promote a stable insurance market. Divulging
86 the ORSA summary report, substantially similar ORSA summary
87 report, and supporting documents will injure the insurer or
88 insurance group by providing competitors with detailed insight
89 into their financial position, risk management strategies,

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90 business plans, pricing and marketing strategies, management
91 systems, and operational protocols.

92 (2) The Legislature finds that it is a public necessity
93 that the corporate governance annual disclosure and supporting
94 documents submitted to and held by the office be confidential
95 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
96 Article I of the State Constitution. The corporate governance
97 annual disclosure describes an insurer's governance structure
98 and the internal practices and procedures used in conducting the
99 business affairs of the company, making strategic operational
100 decisions affecting its competitive position, and managing its
101 financial condition. Release of the corporate governance annual
102 disclosure and supporting documents will injure the insurer or
103 insurance group in the marketplace by providing competitors with
104 the insurer's or the insurance group's confidential business
105 information. Broad disclosure will give state regulators a
106 thorough understanding of the corporate governance structure and
107 internal policies and practices used by insurers and promote
108 market integrity. Effective governance mechanisms will enable
109 insurers to take any necessary corrective actions and achieve
110 strategic goals while allowing the office to perform its
111 regulatory duties effectively and efficiently.

112 Section 3. This act shall take effect on the same date that
113 SB 1422 or similar legislation takes effect, if such legislation
114 is adopted in the same legislative session or an extension
115 thereof and becomes a law.

Page 4 of 4

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16

Meeting Date

1416

Bill Number (if applicable)

Topic GRSA Public Records

Amendment Barcode (if applicable)

Name Caitlin Murray

Job Title Director of Government Affairs

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 Office of Insurance Regulation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/16/17
Meeting Date

1416
Bill Number (if applicable)

Topic Records

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

Address 9166 Sunrise Dr.
Street

Phone _____

Largo Fla. 33773
City State Zip

Email _____

Speaking: For Against Information

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

Representing Pineellas County Florida Government Corruption

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations, *Chair*
Appropriations Subcommittee on General
Government
Banking and Insurance
Reapportionment
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission,
Alternating Chair

SENATOR TOM LEE
24th District

February 17, 2016

The Honorable David Simmons
Senate Committee on Rules, Chair
400 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

2/17/16
approved.
DLT

Dear Chair Simmons,

I respectfully request to be excused from the Senate Committee on Rules meeting on February 17, 2016 due to a previously scheduled meeting.

Thank you for your consideration.

Sincerely,

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

Tom Lee

Cc: John Phelps, Staff Director

REPLY TO:

- 915 Oakfield Drive, Suite D, Brandon, Florida 33511 (813) 653-7061
- 418 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5024

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: EL 110
Caption: Senate Rules Committee

Case No.:
Judge:

Type:

Started: 2/17/2016 4:08:37 PM
Ends: 2/17/2016 6:00:16 PM Length: 01:51:40

4:08:39 PM Senator Soto calls the meeting to order
4:08:49 PM roll call
4:08:52 PM quorum present
4:09:23 PM SM 1642 by Senator Garcia
4:09:38 PM Senator Garcia explains the memorial
4:10:40 PM Senator Garcia waives close on the memorial
4:10:53 PM roll call on SM 1642
4:11:20 PM SM 1642 is reported favorable
4:11:30 PM SB 1364 by Senator Hays
4:11:44 PM Amendment 973116
4:12:08 PM explained by Senator Hays
4:12:59 PM Amendment to Amendment 305334
4:13:15 PM Senator Hays explains the Amendment to Amendment
4:13:27 PM Amendment to amendment adopted
4:13:36 PM Back on the main amendment
4:13:41 PM Senator Joyner ask a question
4:13:47 PM Senator Hays responds
4:15:25 PM Senator Joyner with a follow up
4:15:33 PM Senator Hays responds
4:16:14 PM Senator Latvala with a question
4:16:33 PM Senator Hays responds
4:17:16 PM Senator Latvala with a question
4:17:27 PM Senator Hays responds
4:18:24 PM Senator Joyner with a question
4:18:33 PM Senator Hays responds
4:20:07 PM Senator Latvala in debate
4:21:47 PM Amendment adopted
4:21:52 PM Back on the bill as amended
4:22:05 PM Senator Joyner in debate
4:25:29 PM Senator Hays closes on the bill
4:26:26 PM roll call on SB 1364
4:27:00 PM SB 1364 reported unfavorable
4:27:06 PM SB 206 by Senator Clemens
4:27:14 PM Senator Clemens explains the bill
4:27:48 PM Senator Clemens waives close on the bill
4:27:56 PM roll call SB 206
4:28:02 PM SB 206 reported favorable
4:28:26 PM Senator Simmons takes the chair
4:28:55 PM SB 1120 by Senator Abruzzo
4:29:05 PM Senator Abruzzo explains the bill
4:29:27 PM Senator Gibson with a question
4:29:42 PM Senator Abruzzo responds
4:30:33 PM Senator Gibson with a follow up
4:30:39 PM Senator Abruzzo responds
4:31:15 PM Tim Meenan representing Motor Vehicle Auxiliary Product Alliance waives in support
4:31:34 PM Senator Abruzzo closes on the bill
4:31:52 PM roll call on SB 1120
4:31:59 PM SB 1120 reported favorable
4:32:43 PM SB 110 by Senator Bean
4:32:48 PM Senator Bean explains the bill
4:35:26 PM vote on motion for time certain on SB 110
4:36:26 PM roll call on motion
4:36:34 PM motion for time certain passes
4:37:49 PM Amendment 116098 by Senator Soto
4:38:02 PM Senator Soto explains the amendment
4:38:41 PM Substitute amendment 401070 by Seantor Soto
4:39:22 PM Senator Gaetz with a question
4:39:38 PM Senator Soto responds
4:41:06 PM Wendy Gallegos representing Open Door Community Church
4:41:19 PM Gerald Bustin waives in opposition
4:41:30 PM Carlos Smith representing Equality Florida speaks
4:44:56 PM Gerald Graham waives in opposition
4:45:18 PM Gilberto Rodriquez representing Temple Elijah speaks
4:46:29 PM Senator Soto with a question
4:46:38 PM Gilberto Rodriquez speaks
4:47:34 PM Senator Gaetz point of order
4:48:18 PM Sybel Wilee waives in opposition

4:48:32 PM James Pasley waives in opposition
4:48:42 PM Edwin Mazreo waives in opposition
4:48:56 PM Rosalin Malave-Marrero representing Iglesia de dios International waives in opposition
4:49:09 PM Isaac Calle representing La Verdad Church waives in opposition
4:49:21 PM Natasha Oquendo waives in opposition
4:49:34 PM Chris Walker Southlake Pastors Association waives in opposition
4:49:42 PM Nathaniel Wilcox opposes
4:49:50 PM Ruth Williamson waives in opposition
4:50:05 PM Armondo Pomar waives in opposition
4:50:17 PM Jorge Giusti waives in opposition
4:50:21 PM Angel Diaz waives in opposition
4:50:36 PM Anthony Verdigo speaks
4:52:34 PM Senator Soto with a question
4:52:43 PM Anthony Verdigo speaks
4:53:15 PM Senator Soto with a question
4:53:22 PM Anthony Verdigo speaks
4:53:54 PM Edgar Santana waives in opposition
4:54:14 PM Josefina Miichel waives in opposition
4:54:37 PM Edwin Luna waives in opposition
4:54:42 PM Gabriel Osorio waives in opposition
4:54:43 PM Jason King representing AIDS Healthcare Foundation waives in support
4:55:33 PM Senator Gibson in debate
4:56:39 PM Senator Soto closes on substitute amendment
4:57:49 PM Amendment not favorable
4:58:10 PM roll call on amendment
4:58:24 PM substitute amendment fails
4:59:29 PM amendment 110698 withdrawn
4:59:40 PM back on the bill
4:59:53 PM Senator Gibson with a question
5:00:52 PM Eva Davis responds
5:01:42 PM Senator Gibson with a question
5:02:06 PM Eva Davis responds
5:02:31 PM Senator Diza de la Portilla with a question
5:03:07 PM Eva Davis responds
5:03:39 PM Senator Gibson with a question
5:04:50 PM Eva Davis responds
5:05:38 PM Hanna Willard from Orlando speaks
5:08:49 PM John Vertigan United Church of Christ speaks
5:10:13 PM Herb Shelton speaks
5:11:31 PM Wendy Gallegos Open Door Community Church speaks
5:12:44 PM Gerald Bustin Open Door Community Church speaks
5:14:10 PM Sybel Wider speaks
5:14:27 PM James Pasley representing himself speaks
5:14:46 PM Gerald Graham speaks
5:15:37 PM Gilberto Rodriquez speaks
5:16:35 PM Edwin Marreio representing International Church of God waives in support
5:16:50 PM Rosalin Malave Marrero waives in support
5:17:01 PM Isaac Calle of LaVerdad Church waives in support
5:17:08 PM Natasha Oquendo waives in support
5:17:17 PM Chris Walker South Lake Pastors Association speaks
5:18:02 PM Nathaniel Wilcox speaks
5:19:01 PM Ruth Villamiz speaks
5:20:04 PM Lissette Varela waives in opposition
5:20:24 PM Ali Kurnaz waives in opposition
5:20:31 PM Steven Carrion waives in opposition
5:20:36 PM Larla Abdelaziz waives in opposition
5:20:43 PM Kelly Quinten waives in opposition
5:20:51 PM Norma Aquino waives in opposition
5:21:03 PM Gabriel Garcia-Vera waives in opposition
5:21:18 PM Maria Madena opposes
5:21:24 PM Laura Hernandez waives in opposition
5:21:29 PM Juanita Alvarez waives in opposition
5:21:48 PM Haydee Gomez waives in opposition
5:21:55 PM Juan Cabezas waives in opposition
5:21:58 PM Evelyn Pugh Richard waives in opposition
5:22:04 PM Omilani Alarcon waives in opposition
5:22:19 PM Carolino Cuevas waives in opposition
5:22:28 PM Andrew Bell waives in opposition
5:22:42 PM Cherilyn Bean waives in opposition
5:22:54 PM Jill Bowen waives in opposition
5:22:59 PM Kristellys Zolonder waives in opposition
5:23:06 PM Richard Nettino waives in opposition
5:23:16 PM Donntay Cooper waives in opposition
5:23:21 PM Angel Diza waives in support
5:23:36 PM Jorge Gusti waives in support
5:23:39 PM Anthony Verdigo waives in support
5:23:43 PM Gabriel Osorio waives in support
5:23:48 PM Edwin Luna waives in support

5:23:54 PM Josefina Michel waives in support
5:24:02 PM Edgar Santana waives in support
5:24:03 PM Debra Mourer speaks
5:25:20 PM Armondo Pomar waives in support
5:25:29 PM Tracy Hies speaks
5:26:17 PM Carlos Smith waives in opposition
5:26:28 PM Greg Pound speaks
5:27:23 PM Senator Gibson in debate
5:29:30 PM Senator Soto in debate
5:30:26 PM Senator Bean closes on SB 110
5:32:12 PM roll call on SB 110
5:32:57 PM SB 110 reported favorable
5:34:10 PM SB 878 by Senator Sachs
5:34:32 PM Senator Sachs explains the bill
5:35:26 PM Ryan Britton waives in support
5:35:32 PM Lane Smith waives in support
5:35:40 PM Senator Sachs waives close
5:35:55 PM roll call
5:35:56 PM SB 878 reported favorable
5:36:30 PM SB 1288 by Senator Richter
5:36:39 PM Senator Richter explains the bill
5:37:42 PM Senator Richter waives close on the bill
5:37:53 PM roll call SB 1288
5:38:02 PM SB 1288 reported favorable
5:38:27 PM SB 1386 by Senator Richter
5:38:38 PM Senator Richter explains the bill
5:39:39 PM Amendment 363322
5:40:02 PM Senator Richter explains the amendment
5:41:00 PM Laura Pearce representing Florida Association of Insurance waives in support
5:41:11 PM Rhett O'Dosk representing FI Association of Health Underwriters waives in support
5:41:18 PM Steve Burgess representing National Association of Insurance & Financial Advisors waives in support
5:41:42 PM Senator Benacquisto closes on amendment
5:41:54 PM Amendment favorable
5:42:02 PM Back on the bill as amended
5:42:10 PM Senator Gibson with a question
5:42:53 PM Senator Richter responds
5:43:33 PM Senator Richter waives close on the bill
5:43:41 PM roll call SB 1386
5:43:49 PM SB 1386 reported favorable
5:44:15 PM SB 754 by Senator Richter
5:44:23 PM Senator Richter explains the bill
5:44:55 PM Grace Lovett, Fl. Dept. of Agriculture & Consumer Services waives in support
5:45:15 PM Senator Richter waives close on the bill
5:45:25 PM roll call on SB 754
5:45:32 PM SB 754 reported favorable
5:45:55 PM Senator Soto takes the chair
5:46:07 PM SB 1110 by Senator Simmons
5:46:20 PM Senator Simmons explains the bill
5:46:24 PM Oscar Anderson representing Central Florida Expressway waives in support
5:47:24 PM roll call on S 1110
5:47:42 PM SB 1110 reported favorable
5:48:08 PM SB 1416 by Senator Simmons
5:48:17 PM Senator Simmons explains the bill
5:48:23 PM Catlin Murray representing Office of Insurance Regulation waives in support
5:49:16 PM Greg Pound representing Pinellas County Florida Government Corruption speaks
5:51:15 PM Senator Gibson in debate
5:51:53 PM Senator Simmons waives close on the bill
5:52:13 PM roll call on SB 1416
5:52:20 PM SB 1416 reported favorable
5:52:37 PM Senator Simmons takes the chair
5:52:44 PM SB 574 by Senator Flores
5:53:01 PM Will McRea explains the bill
5:53:47 PM amendment 216312 by Senator Gaetz
5:54:18 PM Will McRae explains the amendment
5:54:41 PM Mr. McRae waives close on amendment
5:55:11 PM amendment adopted
5:55:16 PM back on the bill as amended
5:55:37 PM Greg Pound representing Pinellas County Florida Government Corruption speaks
5:56:16 PM Mr. McRae waives close on the bill
5:56:27 PM roll call on SB 574
5:56:34 PM SB 574 reported favorable
5:59:10 PM Meeting adjourned